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Spring 1949

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April 8th — 10th, 1949

The Human Factor in Administration

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SOCIAL SCIENCES

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Public Administration and the Universities

THE last general discussion on the place of Public Administration in University Education took place at the Institute's Buxton Conference in February, 1932. That Conference led to the establishment of an impressive joint committee of University teachers and representatives of the Institute. The two memoranda issued by the committee were published in our issue of April, 1934.

Various developments have taken place during the past fifteen years. The Assheton Report on Training in the Civil Service (1944) and the appointment of a Director of Training in the Treasury are evidence of the growth of the idea of post-entry training for the civil service. In local government the Scheme of Conditions of Service of late 1945 is of outstanding importance: clause 4, for example, requires Local Authorities to afford facilities for serving officials to obtain University qualifications, whilst the establishment of a Promotions Examination similar in character to, and little different in standard from, some University Diplomas in Public Administration is an important new factor. Nor have the Universities been idle. The survey published in our issue of January, 1933, showed that Diploma courses were offered at six universities whereas the number is now well above double that. There can hardly be a university which does not have at least one member of its staff primarily engaged in teaching "government" or "public administration" and in the past five years three Chairs have been established in this country which contain the words "Public Administration" in their title. Chairs in the subject exist in both Australia and New Zealand. In the United States the developments at the Littauer School of Public Administration at Harvard are of special interest to us.

Though at London, Manchester and Oxford the subject, under one name or another is available as part of a degree in politics and economics, it is usually

provided as part of a course leading to a Diploma, of less than degree standard. The great majority of Diploma students and of those attending evening degree courses at London and Manchester are serving officials, mainly local government officers, who do their reading and attend lectures outside official hours. In other words, present emphasis is still on a post entry spare-time Diploma. There are signs that certain universities are not altogether happy at this and during recent years several of them have extended the minimum period of study and in other ways screwed up the standard. Bristol University have entered into a most interesting arrangement with the Local Authorities in their area whereby selected officers are allowed time off to attend lectures and meet their tutors during official hours. The conditions under which post-entry students are expected to study and the standard of these Diplomas are clearly matters of considerable importance. There are some who feel that the Diploma as at present designed has served its purpose and that something more ambitious is now required.

As regards content the general tendency appears still to be to teach "public administration" by describing institutions and as an extension of the older subject, political institutions or comparative government, but with a much greater emphasis on the working of the Executive. Local government is often treated as a separate subject. But with one or two exceptions there has been little move towards the study of organisation and management along the lines developed by L. Urwick on the one hand or by Chester Barnard on the other in the field of business administration.

At some time the Institute will have to sponsor another Conference or joint committee to discuss the whole subject in the light of recent developments. In the meantime, within the limits set by our meagre paper supply, the columns of this journal are open for the discussion.

The Intolerable Burden of Public Administration

*From Sir Patrick Hannon, M.P.
(President of the National Union of
Manufacturers)*

Sir,

My attention has been drawn to the article entitled "The Intolerable Burden of Public Administration" which appears in the Winter Number, 1948, of PUBLIC ADMINISTRATION and in which you are critical of the views expressed by myself and by the National Union of Manufacturers in regard to the present burden of administration in this country.

I would at the outset readily agree that rather more than half of the 2,000,000 persons engaged in public administration are concerned with essential services. Some of these—doctors, teachers and police—should probably be increased rather than reduced in number.

The National Union is concerned with the other 1,000,000 whose efforts to run the machinery of State have to be supplemented by the unrewarded labours of from 10 to 15 per cent. of the time of clerical staffs in industry and commerce.

The National Union rests its case for economies in the public administration on three main grounds:—

1. The heavy financial burden falling upon industry which is completely unjustifiable in the present economic circumstances of the country.

2. The wastage of manpower desperately needed in industry.

3. The need for a thorough revision of the functions of Civil Service Departments and the methods employed.

Under 3 the National Union has been instrumental, in one case at least, in securing an appreciable reduction in the number of a form required from industry

by a Department, and there are doubtless other instances where operations commenced in wartime are continued from custom after their original and real usefulness has disappeared. The recent relaxation of controls was reported by the President of the Board of Trade to eliminate 200,000 licences and permits a year, and it was indicated that further relaxations were shortly to follow. To deal with and finally to clear this mass of official paper work would absorb a great many people who surely will now be redundant.

It is admitted that the size of the administration is necessarily governed by the demands made by the Government of the day through the policies which it puts into operation. The absorption into public administration of one in nine of the total employed civilian population is, however, a greater burden than industry can continue to support. If policies are the cause, they should be adjusted. If excessive and unnecessary detail are responsible, the remedy should be plain.

The National Union believes that a group of competent industrialists, given the opportunity of a full investigation, would be able to make suggestions regarding both functions and methods that would lead to considerable economies of manpower and expenditure.

Finally, the main consideration is not whether some of the functions being performed by the Civil Service are intelligent or useful, but whether in the present economic position of the country we can afford for them to be performed at all.

I am, Sir,
Your obedient servant,
PATRICK HANNON.

November, 1948.

Principles which should Determine whether a Service requiring Local Organisation is best Administered by a Central Government Department or by a Local Authority

By J. LYTGOE, C.B.E.

1. The question—What is the appropriate division of responsibility for the administration of publicly owned or controlled services between central and local authorities?—is old. It requires reconsideration from time to time with changes in the social and economic conditions of the country and as the range of publicly controlled services increases.

2. It is over 20 years since this subject was last discussed by this Institute at one of its seasonal conferences.¹ During that period there have been marked changes in the political and social as well as the economic conditions of the country. Progress in science and invention has also had repercussions on the character of the services publicly administered. There has been a large increase in the number of services for which, in one form or another, Government has assumed responsibility. Great experiments have been made in the types of authority and forms of organisation set up to deal with the new public services. Some services formerly administered by local authorities have been transferred to the central government and other new duties, of a relatively minor character, have been given to local authorities.

3. The ultimate success of some of these changes has yet to be proved by practical experience. They do not seem to have been made with much regard to their collective repercussions on either the central or local government. Few persons intimately concerned with public administration would say that we have yet found a satisfactory solution of the problem of how to secure a necessary measure of guidance and co-ordination by central authorities in regard to matters of major principle and concern to the nation as a whole, and at the same time preserve the freedom, independence and initiative of local authorities. Nor is it

apparent in the case of those industries which have been nationalised or made subject to public boards or corporations that there is as yet any generally accepted method of distributing responsibility between the central authority and the local executives.

4. The title of this paper is restrictive in its scope. It asks what are the principles which should decide whether a service requiring local organisation should be administered by a central Government department or a local authority. But there is a larger and more important question to which it is closely allied, viz.—What is the appropriate division of the functions of government between the central government and local authorities? There are many who think that the larger question is ripe for reconsideration.

5. Theoretically, under a bureaucratic system, every public service could be administered from a central government department acting through a local organisation. A local authority, however, could never administer certain services of national significance which, by their nature, must be organised, administered and financed on a national basis. The Army and Navy are obvious examples. But there are services within the domain of Government which could be organised either centrally or locally. Public Assistance is one example; Civil Defence may be regarded by some as another. Some might include the Hospital Service, and certain of the public utility services clearly fall within this category. On the other hand, Street Cleansing, Open Spaces are obvious examples of services which are of predominantly local concern. What are the principles which should determine the division of responsibilities of government in relation to the borderline functions?

6. Local authorities, like the central government, are composed of elected representatives. They will shortly be elected by the same franchise. At one time they enjoyed, to a great extent, autonomous powers in the discharge of their responsibilities to the inhabitants of their localities. They have lost many of their functions by reason of social and economic changes and industrial development. These changes have so altered the character and increased the cost of some services as to require wider areas for economical administration and over which to spread the burden of cost. But there might be other answers to these problems than the mere transfer of powers from local authorities to central government departments and public boards. The creation of larger local government areas and the placing of more finance at the disposal of local authorities are issues of not less importance than matters of organisation in the ultimate determination of an appropriate division of responsibility for administration of services as between the Government and local authorities.

7. There is inherent in the transfer of responsibility for the control and administration of services from elected local authorities to central government departments and public-nominated boards a danger of too great concentration of power in the hands of small groups which, however technically efficient or beneficent the administration, may ultimately destroy the foundation of democratic government. Representation not based on election has in it, unless most carefully safeguarded, the elements of the authoritarian state.

8. The new organisations which have been created are doubtless experimental but, in so far as they have eliminated the element of local control by elected persons, they represent a considerable reduction in the amount of public control which has hitherto existed. I suggest, therefore, that this major consideration, which overrides in importance questions of organisation, should be borne in mind in considering the allocation of responsibility for the administration of a service as between the central government and a local authority.

9. It is doubtful whether any set of principles can be laid down which are suitable for application as a whole to all services. The particular characteristics and requirements of each service must be separately considered. It is, however, possible to evolve certain "tests" to be applied in each case before a decision is taken as to whether, on balance, control at central or local levels is desirable.

10. There are important differences between central departmental and local authority administration of services requiring local organisation. Central administration may be either by a State department under a Minister directly responsible to Parliament or by some nominated Board or Public Corporation, only indirectly and remotely susceptible to Parliamentary criticism. In both cases the administration is in the hands of officials more or less sheltered from elected representatives. Local authority administration, on the other hand, is, in this country, administration by elected representatives acting through their paid officials accountable to them. We do not, in this country, recognise administration by local government officers acting under orders direct from central government departments (except in the case of a limited number of Emergency Services, which may be disregarded). The distinction is important. Administration by local authorities means local *self-government* and the impact of public opinion upon the administration is direct and speedy in action.

11. In a democratic country it is desirable, if not essential, that, as far as possible, public services should be subject to direct control by elected representatives. This is so for two reasons :—

Firstly, because it is highly desirable that citizens should learn the art of responsible self-government.

Secondly, because public service should be highly susceptible and responsive to public opinion. This is especially so at executive levels.

Therefore I would suggest that wherever a public service requires local organisation it should be accepted as a first broad

SERVICES REQUIRING LOCAL ORGANISATION

principle that some form of local authority control of the administration is desirable unless good reason can be shown to the contrary. The onus of proof should be to show why this course would not be practicable or expedient.

12. As a corollary I would add that in the administration of a service local authorities should have the largest measure of responsibility and autonomy commensurate with securing the minimum requirements laid down by Parliament. Without a reasonable measure of real power and ultimate responsibility for the manner in which they carry out their duties, local authorities will cease to attract the right type of public representative and become correspondingly less efficient. Therefore, local authorities should not, in relation to services which they administer, be subject to so great a degree of central guidance, direction or assistance as to reduce the local authority to the status of agent for the central government. A service in which these conditions are inherently necessary would not, in my view, normally be suitable for local authority administration.²

13. Even in cases where it appears, for sufficient reasons, that a service would not be best administered by a local authority, it is desirable wherever possible that alternative means should be provided to enable those responsible for the administration to maintain close touch with public opinion and the views of the beneficiaries or consumers of the service. Such means are either consultative councils, information offices, surveys or canvasses of consumers, etc.

14. An essential prerequisite of the independence and autonomy of local authorities has been shown by experience to be that those authorities have sufficient financial resources, within their own control, to carry on the services for which they are responsible without undue dependence upon the central authority for assistance in the form of grants in aid. Such grants as may be necessary should be in such a form as to avoid the necessity for constant supervision and direction from the central departments

as to the methods of administering the aided service, or meticulous supervision of the manner in which expenditure is incurred. It is not necessary, for present purposes, to enter upon a discussion as to what is "undue dependence" or the merits of various forms of grants in aid.

15. Since my first principle is the securing of the most effective and intimate control by elected representation at the level nearest to the public or consumer, the protection of the local authority against any measures which weaken its independence, authority and influence is of vital importance. I therefore submit as the next principle or "test" to be applied—How far is the service capable of being successfully administered within the financial resources available to the local authority responsible for its administration, and without undue dependence on central government for specific grants in aid?

16. The optimum size of the unit of operation and the most efficient area for administrative purposes are important factors bearing on the appropriate authority to administer a service. For example, in the case of certain public utility undertakings and the nationalised industries, the essential conditions of reducing the cost of manufacture or production involves large units, as in the case of electricity generation and, to a much less extent, in gas manufacture. In the case of road transport vehicles may be standardised and produced much more economically for large units. Traffic needs also to be co-ordinated over wide areas and various forms of transport integrated. The scope for economy from standardisation of parts, central purchase and technical research may be better achieved in large units. In regard to these matters, almost wholly technical in character, the concern of the public, although ultimately considerable, is more remote, and the advantage may well be in favour of centralised control and administration.

17. A good example of a social service where the efficiency of the service is largely dependent on the wide area of administration is the Hospital Service.

In this case the need for "specialisation" of hospital treatment demands for its economical provision a very wide area of service and the cost involved is so great as to be beyond the resources of smaller local authorities. Largely for this reason it has been decided to transfer this service to the central government. Had the area of local authorities been larger and their financial resources greater, a different decision might have been taken and the advantages of direct control by elected representatives instead of management by nominated bodies retained.

18. In the case of the Public Utility Services, however, the public is intimately concerned as consumer at the level of distribution. The element of efficient and cheap service is a prime consideration. From this aspect, the unit of distribution or service need not be so great as that for generation or manufacture. It is important, therefore, that at this level provision should be made for some form of local control or consumer representation both in the interests of efficient service and satisfaction of the public. In regard to Public Utility Services, I suggest that central control and administration is appropriate for production units, but local control is desirable at distribution levels. In the Hospital Service this has been recognised by the creation of Management Committees, but nominated bodies have no ultimate power and they are not an effective substitute for control by elected representatives.

19. It is important to secure the fullest measure of co-ordination between those sections of the public service which are inter-related, or in some cases inter-dependent. This is especially so in regard to many local government services which increasingly have a direct impact upon many sides of the private life of the citizen. Many instances could be given to illustrate the need for close liaison and the opportunity for increased efficiency in administration which may result therefrom. Two cases will suffice. First, take Housing. The programme of housing development has an obvious and very

considerable effect upon the provision and disposition of school accommodation. It governs the provision and siting of Baths, Libraries, Clinics, Open Spaces and other public services, and must also be related to the siting of industry. All these must be co-ordinated, yet there have been some who, at one time, suggested that, for operational reasons, the provision of houses by public authority should be severed from local authorities. A recent case of a different and more difficult character, where the ultimate decision was against local authority control, is that of the Hospital Service. For reasons, some of which have already been referred to, it was considered desirable to place responsibility for the provision of hospital accommodation upon the central department. But that decision is not without disadvantages in so far as it severed the close link between hospital service and the related services, such as maternity and other clinics, provision of ambulances, and the school medical service. These difficulties will, no doubt, be overcome and my present purpose in referring to this illustration is not to discuss the wisdom of the course which has been taken but to illustrate an instance where, on balance, it has been considered that there were sufficient reasons to break the link between other closely related local health services. My suggestion is that wherever a decision has to be made as to whether or not a service requiring local organisation should be administered by a local authority or central department, very careful consideration should be given as to how far it is linked and should be co-ordinated with existing locally administered services. Wherever that link exists, then, unless strong reasons exist to the contrary, I imagine it will be agreed that it is desirable to concentrate local public services under the local authority. Such a course not only makes for unity and economy in administration, but better serves the convenience of the citizen in so far as it reduces the number of authorities to whom he must direct his enquiries or with whom he may lodge his complaints. The citizen should be encouraged to look to his local council for the service and information to which he is entitled.

SERVICES REQUIRING LOCAL ORGANISATION

20. The element of uniformity in the standard, method or scale of provision of service is an important factor in determining the appropriate administrative authority. The degree of uniformity required may vary from the mere laying down of minimum standards, beyond which considerable variation or diversity of treatment or provision is permissible and even desirable, to instances where, owing to the element of interchangeability or integration between different sections of a service, strict conformity with a standard or code laid down by a central authority is essential. Where the pursuit of uniformity in administration is of such paramount importance as to involve constant and close supervision by the central body and possibly frequent interchange of personnel, or a high degree of standardisation of equipment, the case for administration by the central authority is strong—for example, the postal service or administration of justice. It is undesirable that local authorities should be called upon to administer services unless there is scope for the exercise of a wide measure of discretion, variety of treatment, and responsibility for the amount of service provided according to local conditions.

21. This general statement of principle in regard to the element of uniformity, however, requires qualification. There are cases where a high degree of uniformity may be desirable but the service is so intimately bound up with the life of a local community, or so much a concern of intimate personal relationship, as to make it highly desirable that it should be subject to the most direct contact between the local population and the administering body. In such cases administration by the local authority may be desirable. Instances of these services are Domiciliary Health Services and Police. Illustrations of more difficult cases are those of financial assistance to the less fortunate members of the community, and the Fire Service. In the case of National Assistance, by general consent the paramount importance of equality of treatment of all cases in similar circumstances, the elimination of different standards of assistance arising

from unequal financial resources of local authorities, the varying political complexion of local councils, and the removal of the possibility of undue influence from pressure groups, have, by common consent, resulted in the decision in favour of central administration. It remains to be seen whether the degree of meticulous central control and the burden of cost of the Fire Service upon local financial resources, and the need for wide areas of operation will outweigh such advantages as may arise from closer supervision by public representatives within the narrow limits of discretion so far permitted to local authorities in the administration of this service.

22. Diversity of treatment and opportunity for local initiative and experiment are important considerations. We can never afford to overlook the fact that progress is the result of experiment and risk, and sometimes loss, in initial stages. Growth commences at ground level and healthy development requires freedom from unnecessary restriction, even though it can be encouraged by higher authority. It is of advantage to multiply the number of agencies which are interested in new methods, fresh ideas and planning of new developments for the future. Concentration of responsibility and power in the hands of few people, however specialised and expert their knowledge and wide their experience, is no substitute for the intense activity and interest of large numbers of people in close contact with a service in operation and vitally concerned in its progress and efficiency. Central authority rarely initiates progress except in so far as it gathers together the best elements of local experience over wide areas.

Art Galleries and cultural activities generally, recreational facilities, and many branches of preventive health services are obvious examples of this type of service. It is apposite to point out that no small part of the general Public Health legislation of the country originated in initiative and experiment at local levels. Therefore I suggest that wherever it is possible to allow consider-

able diversity in the administration of a service, it should be left to local authority administration.

23. The element of competition as a basis of comparative efficiency is important; the danger of inefficiency is not less in public monopolies than in undertakings privately owned. It may be greater owing to the elimination of the profit motive. I suggest, therefore, that it is important, wherever possible, to break down large public organisations into small operative units which should be put under the supervision of local councils or boards composed of lay representatives to whom the paid executive in the local areas would be responsible. These district units would afford a valuable means of obtaining comparative and competitive operating costs.

24. There are other reasons which suggest that it is wise to preserve control by local authority or similar bodies representative of lay opinion over locally-organised services wherever possible. Large organisations and centrally administered departments require management by highly skilled officers. But the number of "supermen" is limited and even the best expert manager or administrator will better discharge his responsibilities and be helped and stimulated by the constructive criticism of a well-informed body of laymen. The number of laymen who have the time and ability to devote to the mastery of large organisations is increasingly difficult to find. The power of the official is correspondingly increased and the danger of bureaucracy grows. A large organisation must work by delegation of responsibility but unless its character is such that it can be administered by well-defined rules (which, in practice, tend to stifle initiative and the scope for exercise of discretion) bottlenecks tend to develop and the organisation may become slow in action. There must, therefore, be some body or person with responsibility and authority to take decisions at operative levels. The choice is between elected authorities, nominated bodies, and paid officials.

25. The economic use of manpower and the preservation of harmonious relations with persons of all types in employment is increasingly important. It is abundantly clear that close co-operation between the higher executives and those employed at the bench or in the office is a condition precedent to maximum output and highest technical efficiency. Co-operation of this kind is more likely to be secured in smaller units at executive levels than in large-scale organisations. This is even more so in the public service which inevitably tends to be less "personal" than in private employment. I suggest that, under local authority administration, supervised by lay representation, these conditions are better achieved than in the more "impersonal" relations in matters of staff control operating within a large government department or public corporation. Contrast the conditions of the Police Service, under the constant oversight of the local Watch Committee, which supervises promotions, the exercise of the disciplinary code and the general welfare of the Forces with, for example, the Army or the Navy. This aspect of management and administration may well be of greater importance in future. There are signs that its importance is showing itself in the newly-nationalised industries.

26. There are some public services which are of such direct pecuniary value to the recipients and which may be provided on so wide a scale as to make it desirable that those who are called upon to administer them should be remote from the risk of political pressure and freed from any temptation to be influenced, even sub-consciously, in the administration by motives of political advantage. These services are, by their nature, such as to afford strong arguments in favour of administration by a local authority. In these cases the decision as to which is the appropriate authority to administer the service is delicate and difficult. It is perhaps a sound guide to suggest that, if the administration is to be by a local authority, provision should be made whereby the

SERVICES REQUIRING LOCAL ORGANISATION

decisions involved in the dispensation of the service are in the hands of permanent officials acting under the guidance of general principles laid down by the authority. If this course is not considered practicable or advisable, the wise course would appear to be to place responsibility for the administration of the service upon the appropriate department of the central government.

CONCLUSION

27. My general conclusions may therefore be stated as follows. Changes of great significance have occurred in the last quarter of a century. The development of the social consciousness of the public, the increase in speed of communications, the progress in technology, and the increase in cost of some public services have necessitated the creation of larger administrative areas.

28. In the absence of reformed areas of local government, the result has been, on the one hand, an increasing tendency to transfer services to the central government departments and on the other, to create centralised ad hoc nominated bodies. Both these developments represent, in varying degrees, a movement away from control by the public through directly-elected local authorities. There is inherent in these changes a danger of over-concentration of power in the hands of central authorities remote from control by elected public representatives and an undesirable growth of bureaucracy. There is some risk that effective local self-government may be seriously prejudiced, if not destroyed.

29. This country is a democracy. The major object is that the citizen should govern through his elected representatives. It is not too much to say that, in this country, successful administration of a public service depends upon the co-operation and goodwill of the public

which it is intended to serve. Therefore, as a governing principle, I suggest that services which require local administration should be under local authority control unless very strong reasons can be shown why this course is either impracticable or undesirable. With this end in view, local authorities should be strengthened by re-adjustment of areas to meet the requirements of modern conditions and by increasing their financial resources.

30. Circumstances which make services especially suitable for administration by local authorities are—the need for integration or co-ordination with other locally administered services; scope for the exercise of a large measure of discretion in the manner of operation; opportunity for diversity of treatment and experiment; the extent to which the service is of intimate and personal concern to local inhabitants; the preservation of the element of competitive efficiency in administration, and operational cost.

31. There are some services, however, for which the economic unit of operation or productive efficiency is so large as to exceed that of any local authority which could maintain intimate contact with the electorate; others which are largely matters of technology, and the "human" interest relatively small, or where the degree of standardisation is great. In some cases, the administration must be in accordance with well-defined rules which must be rigidly applied and allow of little scope for exercise of discretion. Where these elements predominate, the balance of advantage may be in favour of administration by some form of central authority.

32. None of the considerations which I have mentioned should be applied in isolation. Each should be considered in relation to the others as applied to any particular service.

¹1925. Public Administration Vol. III. Pp. 305 et seq.

²NOTE.—This statement is subject to qualification in regard to Emergency Services in conditions of national crisis.

The Organisation of the British Electricity Authority*

By Sir HENRY SELF, K.C.B., K.C.M.G., K.B.E.

NOTE: The Electricity Act, 1947, established the British Electricity Authority and made it responsible for the supply of electricity. The distribution of electricity is the responsibility of the 14 Area Boards, which were also created by the Act, and which receive bulk supplies from the British Electricity Authority. Area Boards are statutory parts of the Central Authority although the Central Authority is required to co-ordinate the distribution of electricity and to exercise a general control over the Boards. Sir Henry Self, after reviewing the history of the industry, said that in making a distinction between supply and distribution:

The Electricity Act, 1947, gave final expression to a trend already well advanced in light of developing experience. Distinction between generation and distribution has been retained and while the former is organised on a national basis and carried one step farther the co-ordination so successfully begun by the Central Electricity Board, the need for the closest contact between the distributor and the consumer is acknowledged and given effect in the creation of the fourteen Area Electricity Boards.

Before considering the general outline of the organisation which has been set up under the Act some reference should be made to the preliminary preparations for transfer of the industry which were put in train, pending the passing of the Act, by the Organising Committee, whose appointment was announced by Mr. Shinwell in the House of Commons on 13th May, 1947.

The primary consideration of the Committee had clearly to be that of setting up a skeleton organisation on which the new Authority could build, and drawing up some assessment of the major problems and difficulties which would have to be solved before the vesting date. The successful preparation of arrangements for the transfer of the industry to national control in so short a period of time was due, in no small measure, to the efforts of the individual members of that Committee, working as a team, at a time when they were also so heavily engaged in the winding up or readjustment of their own undertakings.

The British Electricity Authority were set up on 14th August, 1947, immediately on the passing of the Act. In order to make their membership complete the names of four of the Area Chairmen-designate were announced a few days later and they were appointed as the four Area Board Chairmen to serve for the first period as Members of the Central Authority. The Central Authority, as now constituted, thus came into being.

The Membership of the Authority has been drawn from a wide range of interests, to combine the knowledge and experience which seemed most necessary in the running of a national undertaking of this character. It comprises four full-time Members, three part-time Members, the Chairmen of four of the Area Boards (taken in rotation for periods of three years), and the Chairman of the North of Scotland Hydro-Electric Board, which continues to operate over a specific area under the provisions of the Hydro-Electric Development (Scotland) Act, 1943.

* Extract from an address given to the Institute of Municipal Treasurers and Accountants and reproduced by kind permission of Sir Henry Self and the Institute.

THE BRITISH ELECTRICITY AUTHORITY

The personalities I need not elaborate here, they will already be known to you. I should perhaps explain, however, the relationship of the four full-time Members of the Authority to the general organisation. The full-time Members comprise the Chairman, Lord Citrine, the two Deputy Chairmen, Mr. John Hacking, in charge of operations, and myself in charge of general administrative functions, and the Member for Labour Relations and Welfare, Mr. E. W. Bussey, all of whom had previously served on the Organising Committee. These four Members of the Authority are empowered by the Authority to take certain action on its behalf in most fields and particularly in case of emergency, and constitute a permanent nucleus for consultation at any time. Beneath them the organisation is spread over five main departments, each under the charge of a Chief Executive Officer responsible for the general running of the organisation and reporting through one or other of the Deputy Chairmen: similarly, the labour relations and welfare departments report through the Member for Labour Relations and Welfare.

A glance at the chart attached as Appendix I will show the outline of the organisation as it had developed by vesting day. The allocation of functions as between the several departments has been very closely considered throughout the initial period, from the early meetings of the Organising Committee onwards, and comes as near as we can judge at the moment to meeting the demands of the responsibilities which have been placed on the Authority. It is, however, not regarded as a final and unalterable plan, and as adjustments of organisation or of duties are found desirable in the light of developing experience such alterations will, of course, be made.

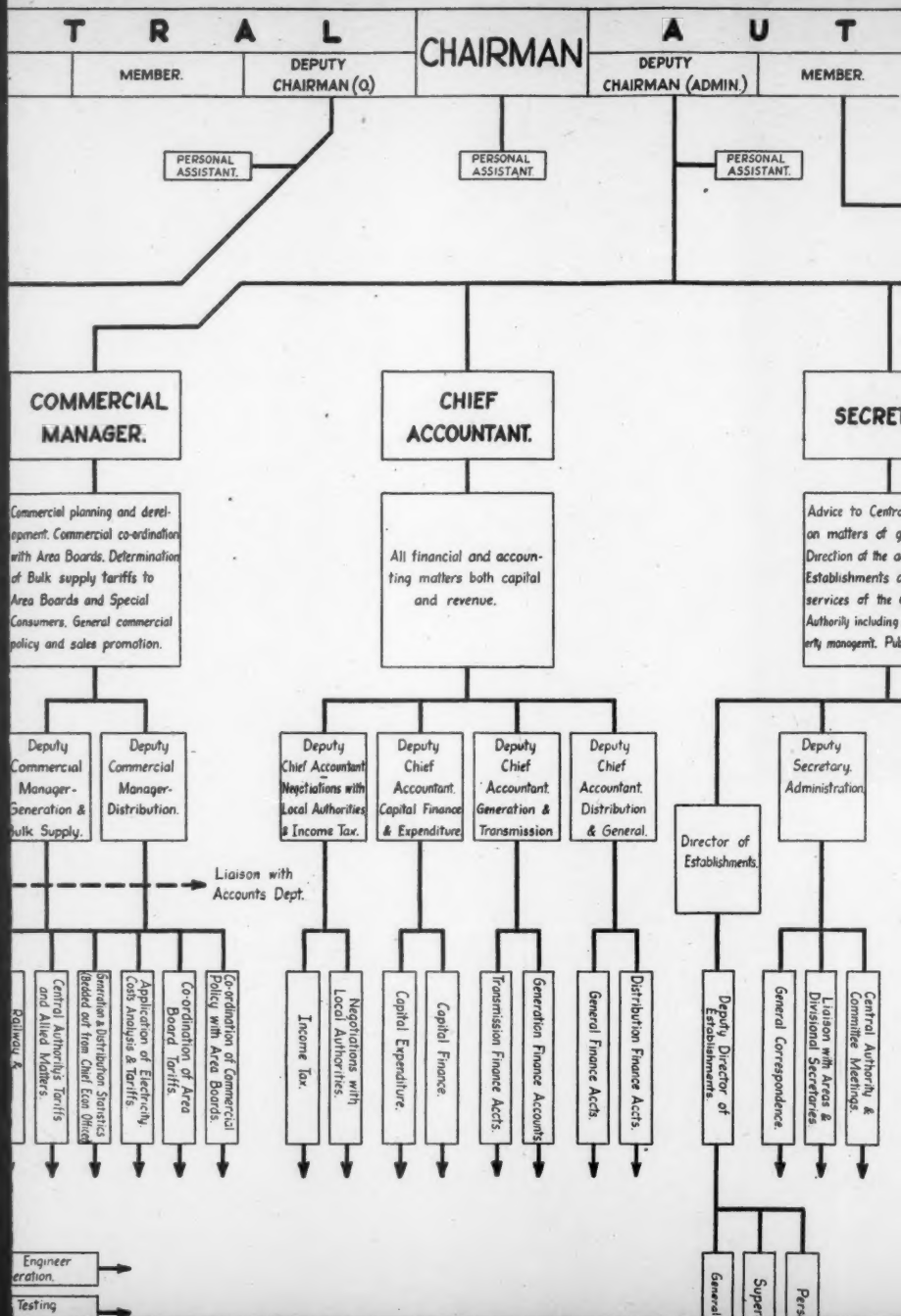
I should explain, here, that it is intended to keep the central headquarters staff to the smallest possible numbers consistent with an efficient organisation for dealing with general policy and operational, financial, and administrative co-ordination. In regard to the direct responsibilities of the Authority for generation and main transmission the general principle of decentralisation has been adopted and is being pursued to the fullest possible extent by the setting up of fourteen generation divisions corresponding broadly to the fourteen distribution areas. Each division is under the charge of a Divisional Controller, who has a great measure of personal authority and responsibility for the construction, operation, and administration of the generating stations and main transmission system in his division. The operational and administrative responsibilities of the Divisional organisations will be heavy, and we have been fortunate in securing a strong and representative team of Divisional Controllers. Each Division will have its own senior accounting and secretarial staff and we believe it is fully practicable to keep the organisation sufficiently flexible to allow of central policy administration from headquarters without curtailing the devolution of executive administration under the Divisional Controller within his own Division. A chart showing a typical organisation for a Generation Division is attached at Appendix II.

The Divisional organisations are, of course, in close day-to-day contact with the Area Board organisations: we have purposely framed them so that their boundaries coincide with this in view. This has resulted in some anomalies, *e.g.*, in the transmission system due to splitting the previous Central Electricity Board districts into the fourteen new Divisions, and some adjustments will have to be made, here and there, but these will be gradually ironed out in due course in conjunction with the Area Boards concerned.

The fourteen distribution areas (as also the generating divisions) cover the whole of Great Britain except the North of Scotland District, as defined by the Hydro-Electric Development (Scotland) Act, 1943, itself amended by Section 1 (7) of the Electricity Act, 1947.

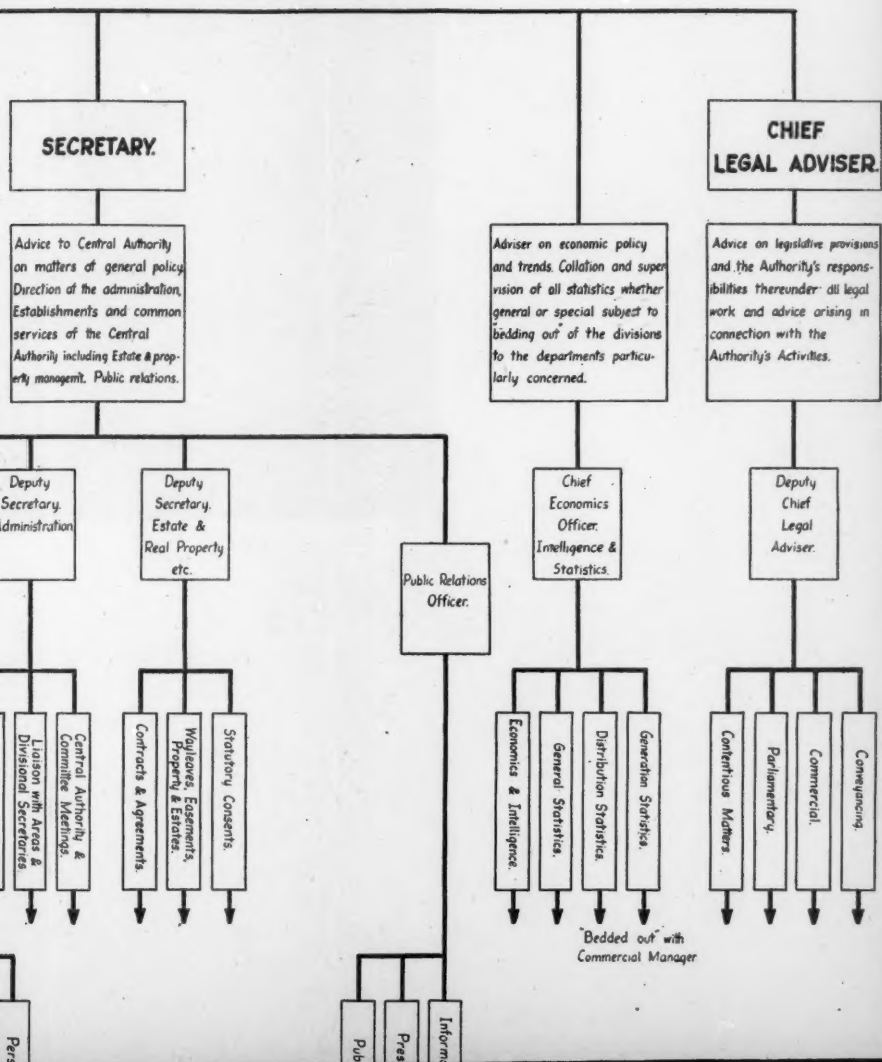
The Area Boards are themselves organised on very much the same lines as the Central Authority—with the exception that there are only two full-time Members of each Board (the Chairman and Deputy Chairman) and with certain adaptations to meet their own particular needs and the needs of the area. Attached at Appendices III A and III B are two alternative suggestions for typical Area Board organisations which were drawn up in consultation with the Area Boards as a general basis for their guidance. The aim has been to secure as much uniformity as possible in the type of organisation set up in each Area, but these charts were prepared as guides only and individual Boards will have made adjustments as necessary to meet their particular circumstances. From a study of these charts it will be seen that the Area Organisations reflect that of the Central Authority: there is a similar division into departments, the number of which will vary according to the needs of the Area, each under a Chief Officer corresponding broadly to the various Chief Officers of the Central Authority. To achieve the maximum of decentralisation every Area is divided into five or six Sub-Areas, each under the charge of a Sub-Area Manager and forming a self-contained operational unit: this is, in fact, a complete unit within the policy direction of the Area Board on technical and commercial development, and accountancy and administrative technique. The line of policy control is accordingly shown on these charts by a dotted line.

The size and number of the Sub-Areas has been governed by the necessity for their being large enough for economical administration whilst they must, at the same time, be sufficiently small for the Manager and his senior officers to be in close personal touch with all grades of their staff. To ensure that the personal contact and knowledge and experience of every district is maintained, the Sub-Areas are again divided into localities, and it is in this organisation that the two charts differ: The chart at III A, for example, shows a two-pronged organisation with a local manager responsible for the general administration and available to all consumers in his locality, whilst the operational and technical responsibility is placed on a District Engineer, whose field of operation may cover several localities. The chart at III B, on the other hand, shows an organisation where both administration and technical functions are placed under the local manager. The Areas themselves are extensive in many cases and the Boards are anxious, above all, to maintain that happy element of personal service which has been such a hallmark of the industry in the past. They believe that by adequate delegation of responsibility, as outlined above, they will be able to achieve it.



T H O R I T Y

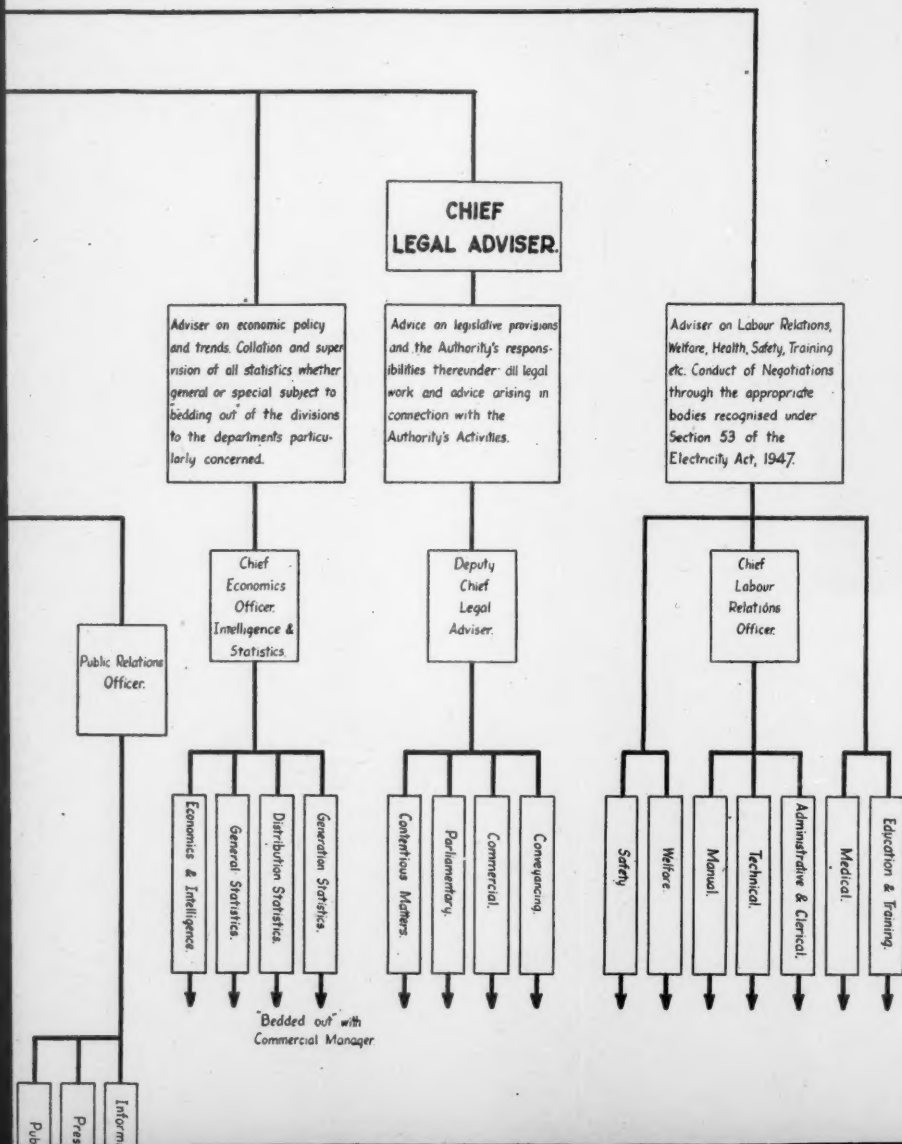
MEMBER. MEMBER FOUR AREA BOARD CHAIRMEN.



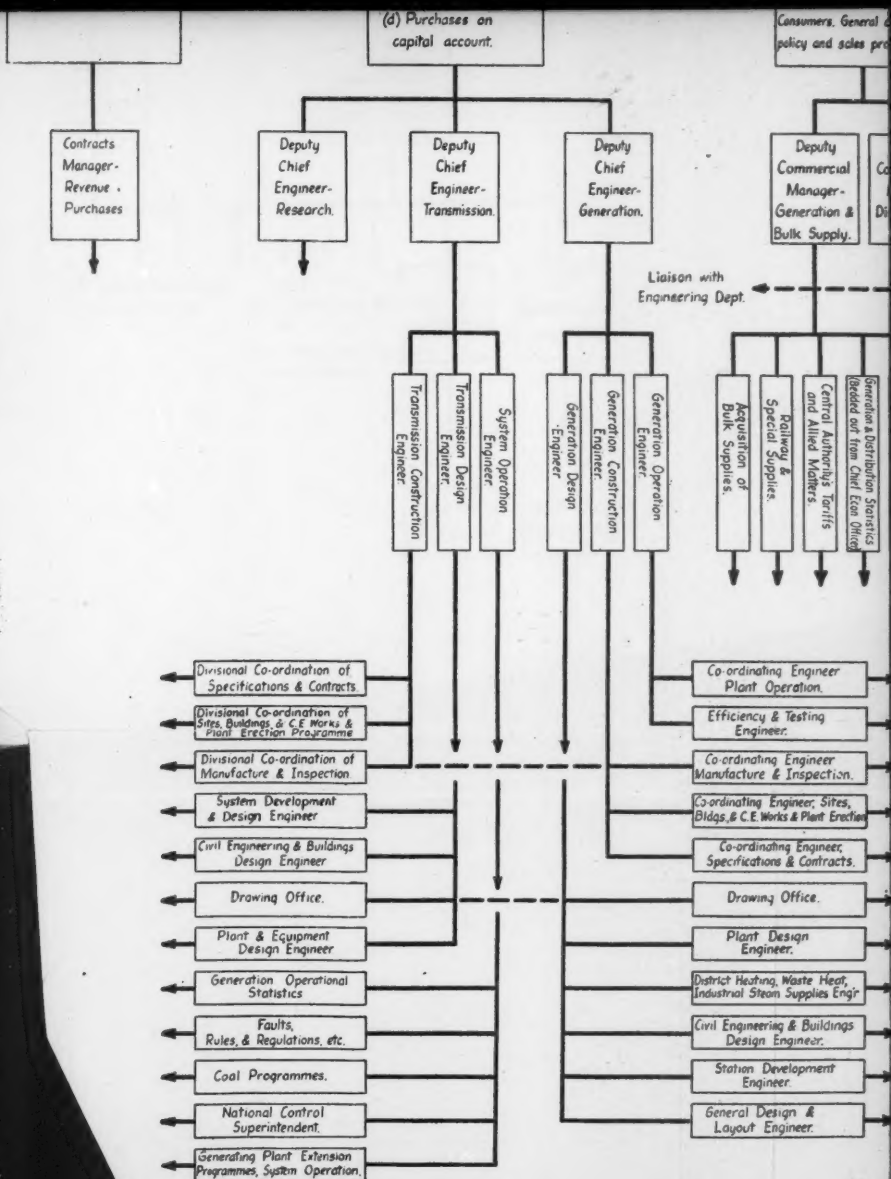
I T Y

FOUR AREA BOARD CHAIRMEN.

APPENDIX I



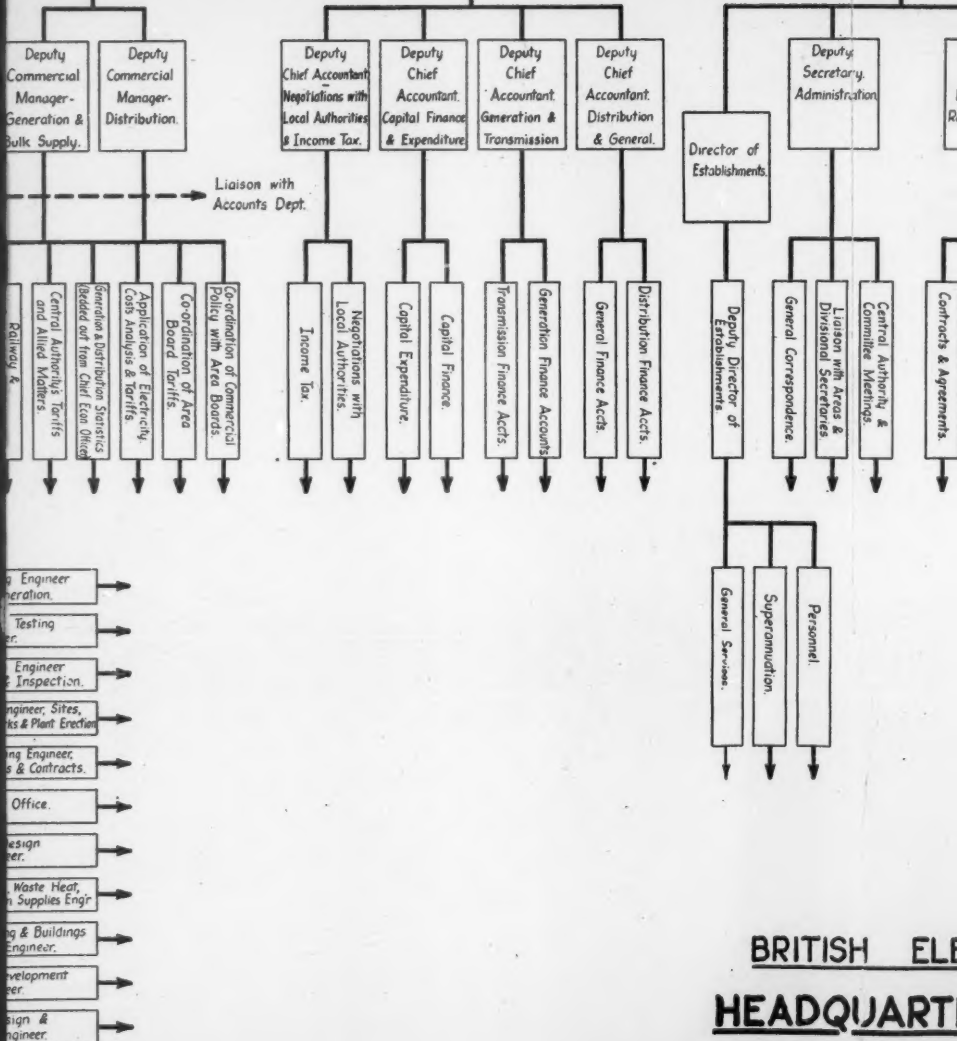




Area Boards and Special Consumers. General commercial policy and sales promotion.

and Revenue.

Authority including Estate & Property management. Public relations.



including Estate & property management. Public relations.

to the departments particularly concerned.

Authority's Activities.

y.
ation

Deputy
Secretary,
Estate &
Real Property
etc.

Public Relations
Officer.

Chief
Economics
Officer,
Intelligence &
Statistics.

Deputy
Chief
Legal
Adviser.

Control Authority &
Committee Meetings.

Contracts & Agreements

Waiveres, Easements,
Property & Estates.

Statutory Consents.

Economics & Intelligence.

General Statistics.

Distribution Statistics.

Generation Statistics.

Contentious Matters.

Parliamentary.

Commercial.

Conveyancing.

"Bedded out" with
Commercial Manager

Publications.

Press Liaison

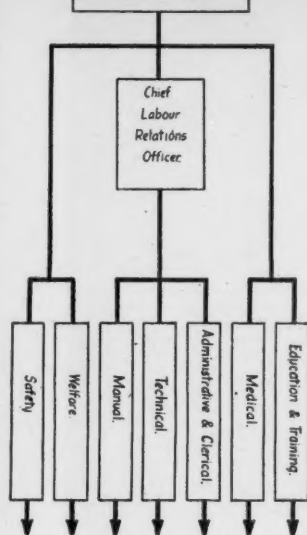
Information Services

SH ELECTRICITY AUTHORITY.

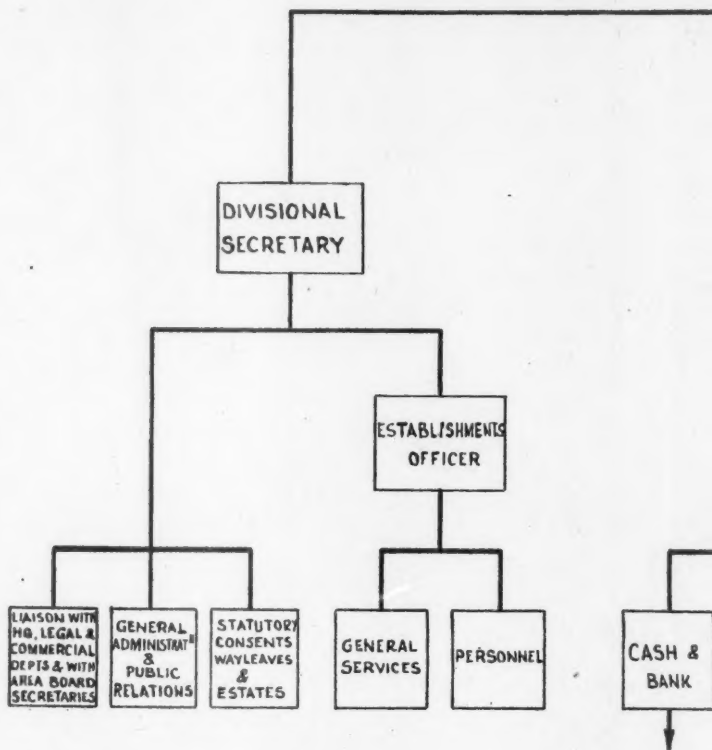
QUARTERS. ORGANISATION.

1ST. APRIL 1948.

bodies recognised under
Section 53 of the
Electricity Act, 1947.



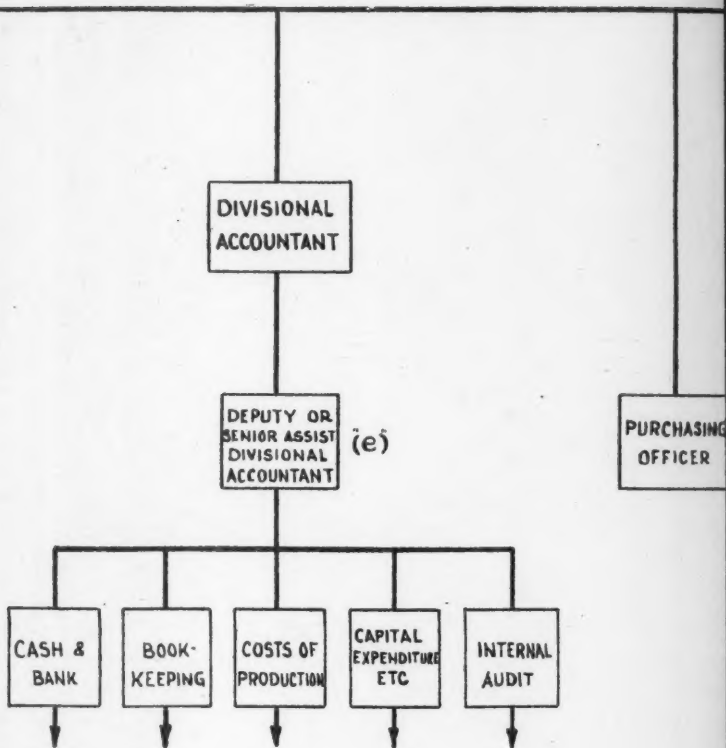
ORGANISATION OF A GENERATION DIVISION



BRITISH ELECTRICITY AUTHORITY.

1ST MAY 1948.

SION



NOTES:

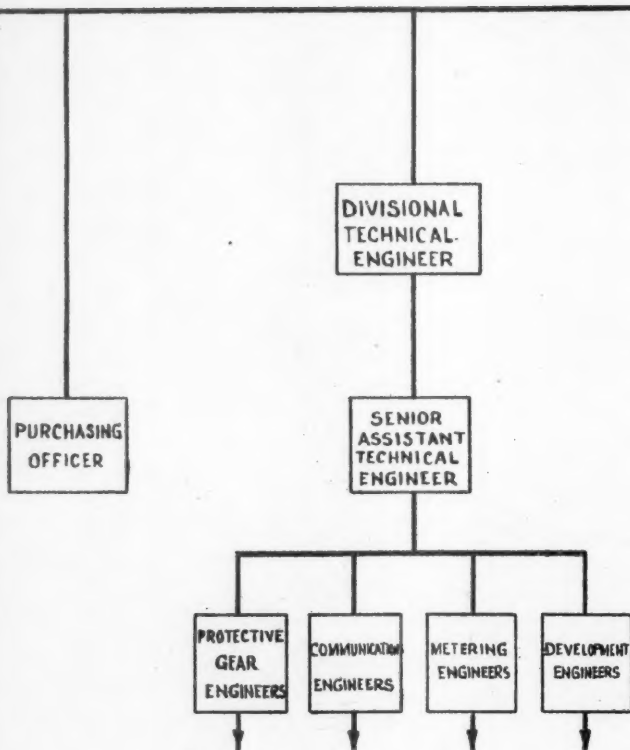
(a) ONLY IN DIVISIONS HAVING MORE THAN ONE

"(b)" UP TO A MAXIMUM OF 5, AS NECESSARY.

"(c)" ONE TO EACH GENERATING STATION.

"(d)" ONLY IN DIVISIONS IN WHICH A CONTROL

"(e)" TWO OR MORE IF NECESSARY



LESS THAN ONE GENERATION (OPERATION OR CONSTRUCTION) ENGINEER.

NECESSARY.

ATION

A CONTROL ROOM IS SITUATED

DIVISIONAL CONTROLLER

PERSONAL ASSISTANT

DIVISIONAL CHIEF GENERATION OPERATION ENGINEER

(a)

GENERATION OPERATION ENGINEER

(b)

STATION SUPER INTENDENT

STATION SUPER INTENDENT

STATION SUPER INTENDENT

"C"

DIVISIONAL CHIEF GENERATION CONSTRUCTION ENGINEER

(a')

GENERATION CONSTRUCTION ENGINEER

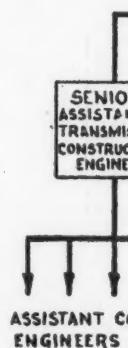
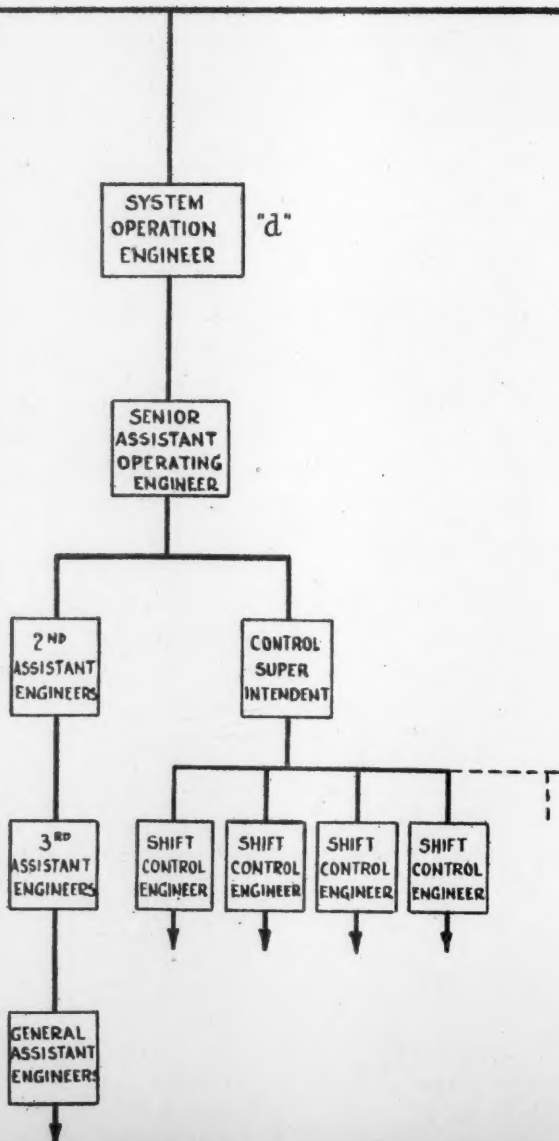
(b')

CONSTRUCTION ENGINEER OR CLERK OF WORKS

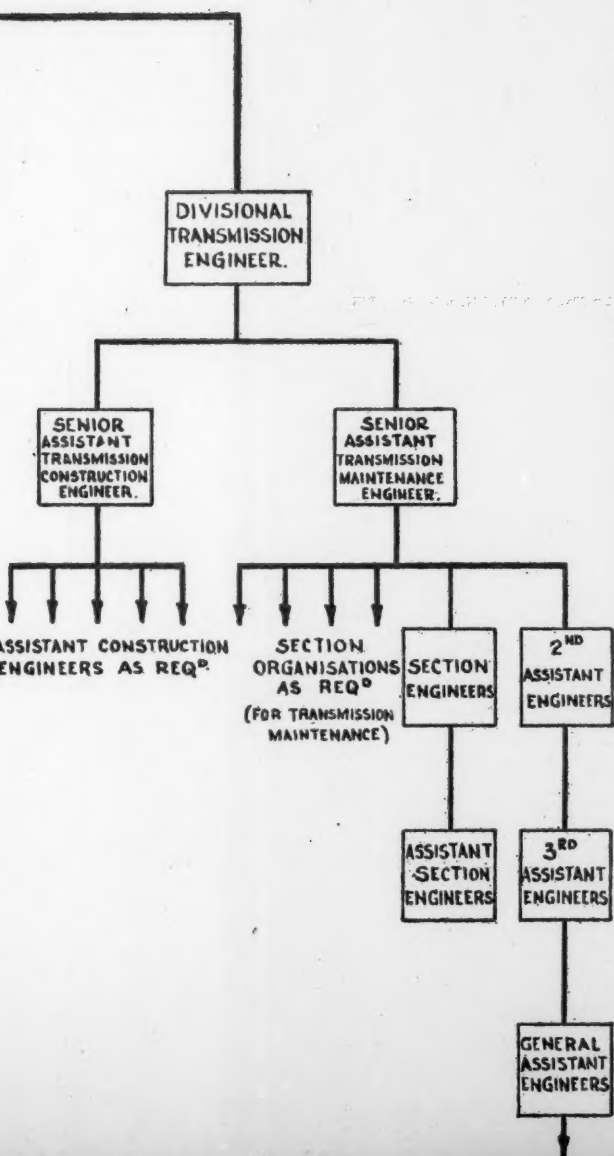
CONSTRUCTION ENGINEER OR CLERK OF WORKS

CONSTRUCTION ENGINEER OR CLERK OF WORKS

"C"



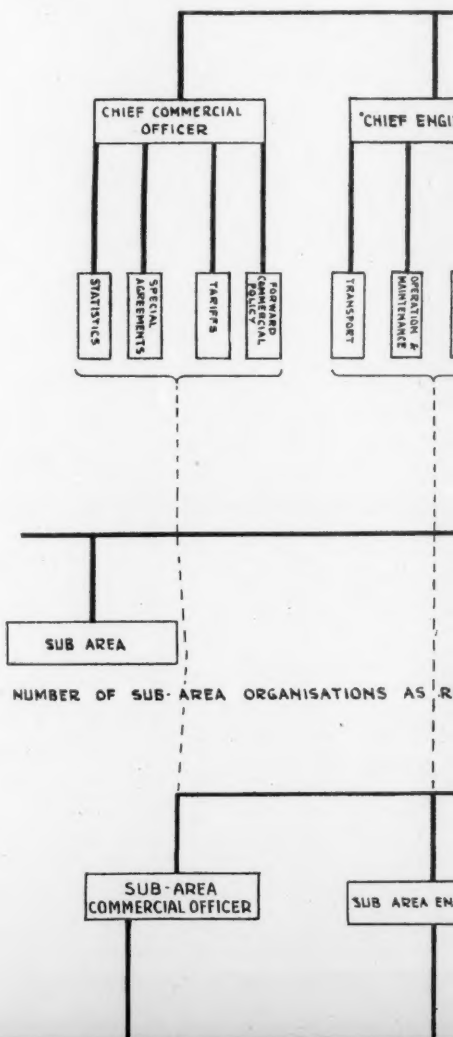
APPENDIX II



BRITISH ELECTRICITY AUTHORITY SUGGESTED TYPICAL ORGANISATION FOR AREA BOARDS.

CHART A

INCORPORATING THE DOUBLE-HEADED DISTRICT ORGANISATION



SECURITY
SECTION

ORGANISATION

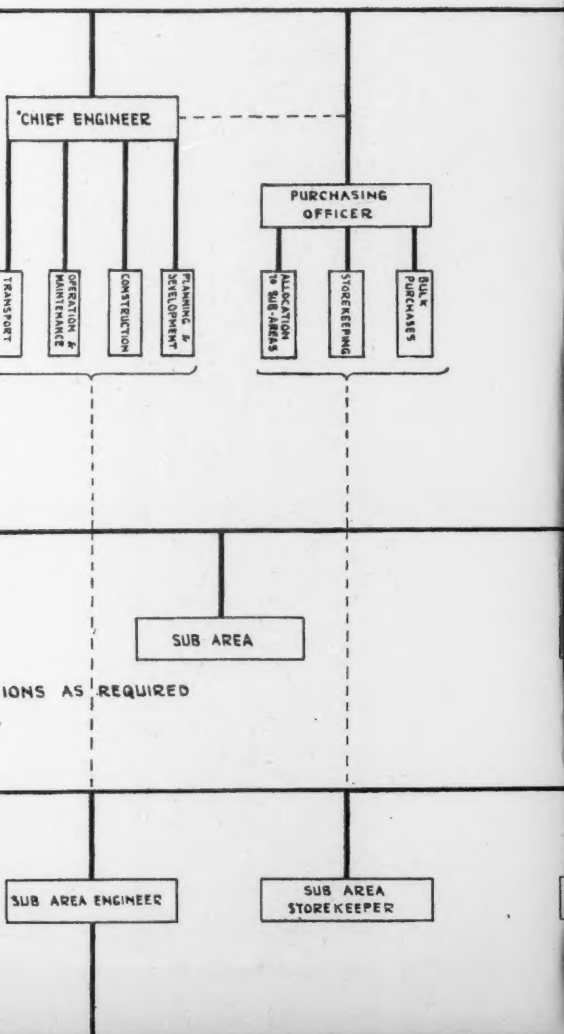
MEMBER

MEMBER

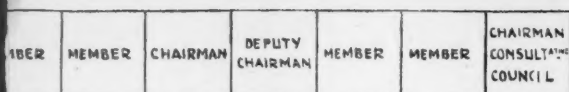
MEMBER

MEMBER

PERSONAL
ASSISTANT



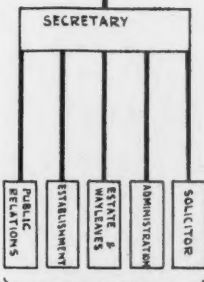
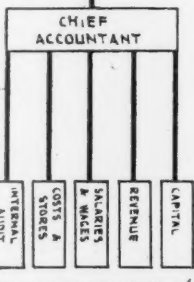
CTIONS AS REQUIRED



PERSONAL ASSISTANT

PERSONAL ASSISTANT

SUB AREA LIAISON OFFICER



SUB AREA MANAGER

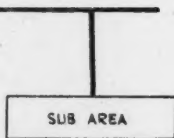
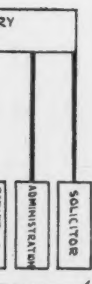
SUB AREA

METER & TEST ENGINEER

SUB - AREA ACCOUNTANT

SUB-AREA SECRETARY

APPENDIX III A



SECRETARY

DISTRICT ENGINEER

DISTRICT

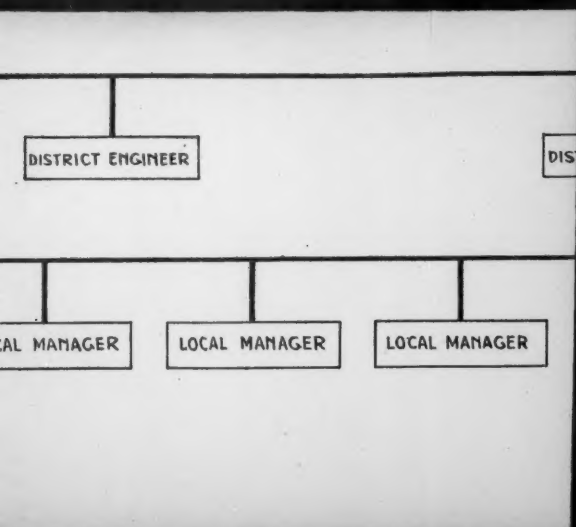
NUMBER OF DISTRICT ENGINEERS AS REQUIRED

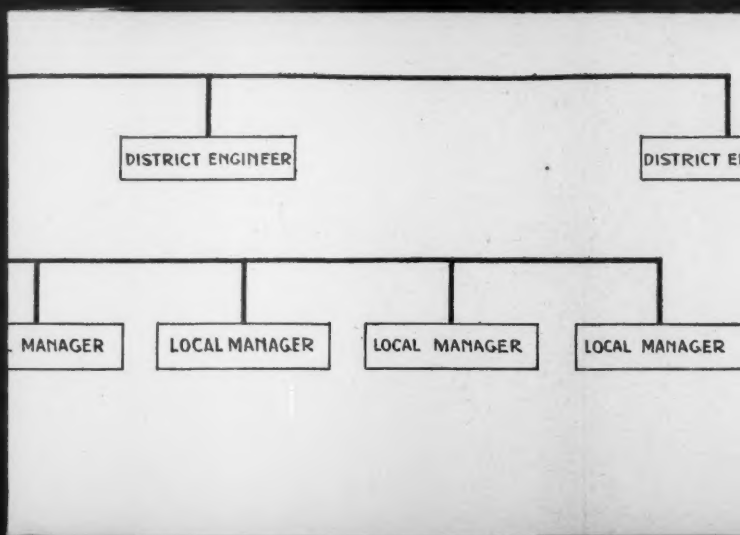
LOCAL MANAGER

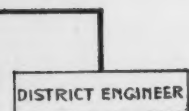
LOCAL MANAGER

LOCAL MANAGER

NUMBER OF LOCAL MANAGERS AS REQUIRED



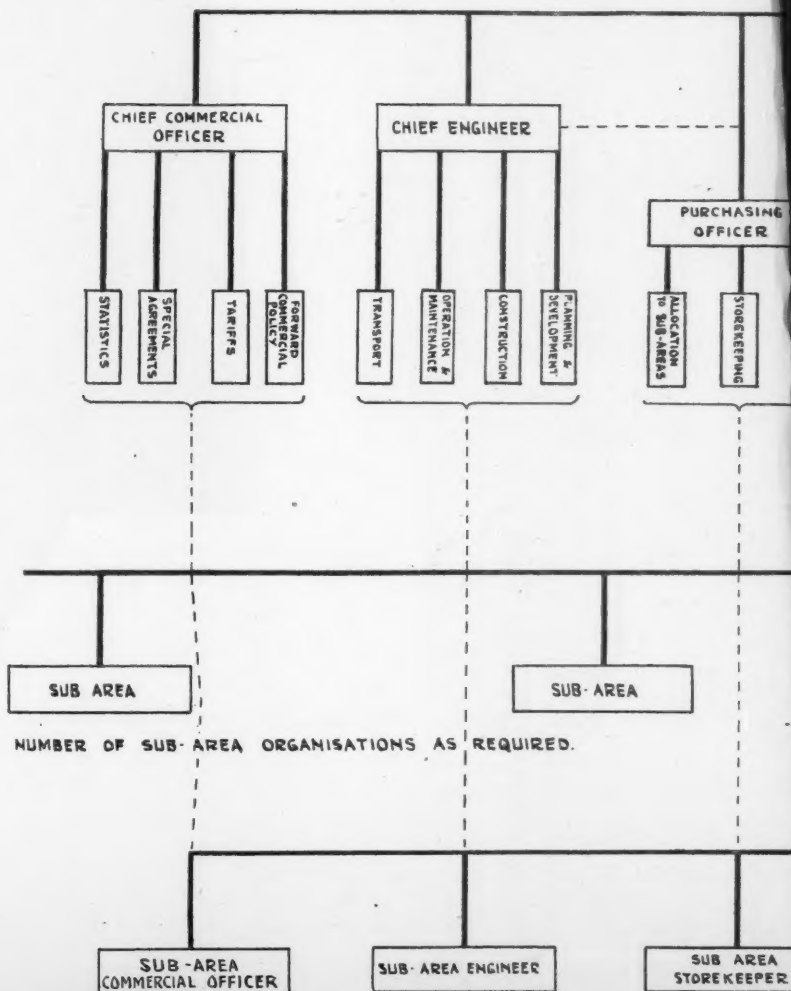




BRITISH ELECTRICITY AUTHORITY SUGGESTED TYPICAL ORGANISATION FOR AREA BOARDS.

CHART B
INCORPORATING THE SINGLE-HEADED DISTRICT ORGANISATION

MEMBER	ME
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PERSONAL ASSISTANT

PERSONAL ASSISTANT

SUB AREA
LIAISON OFFICER

PURCHASING
OFFICER

ALLOCATION
TO SUB AREAS

STOREKEEPING

BULK
PURCHASES

CHIEF
ACCOUNTANT

INTERNAL
AUDIT

COSTS &
STORES

SALARIES
& WAGES

REVENUE

CAPITAL

PLANNING &
DEVELOPMENT

SUB-AREA

SUB-AREA
MANAGER

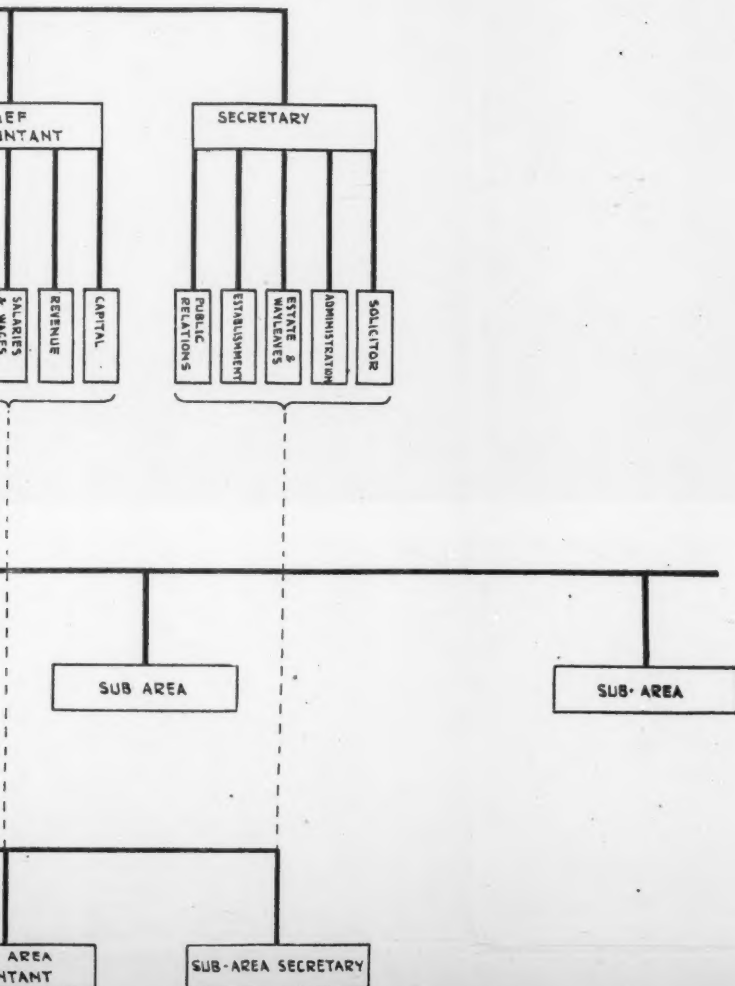
SUB AREA
STOREKEEPER

METER & TEST
ENGINEER

SUB-AREA
ACCOUNTANT

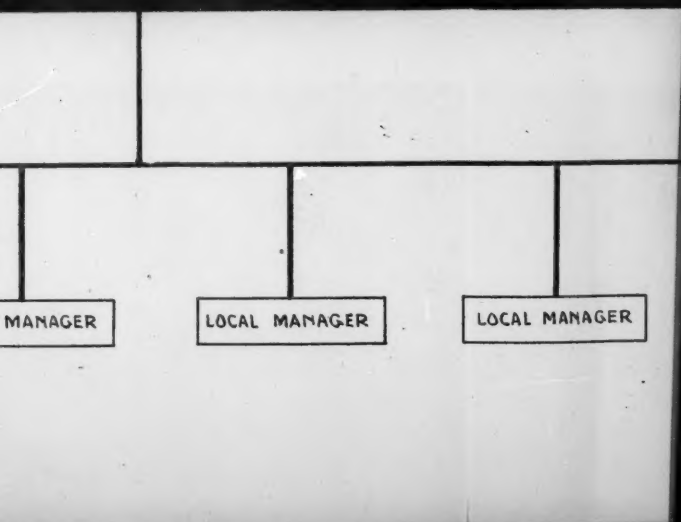
APPENDIX IIIB

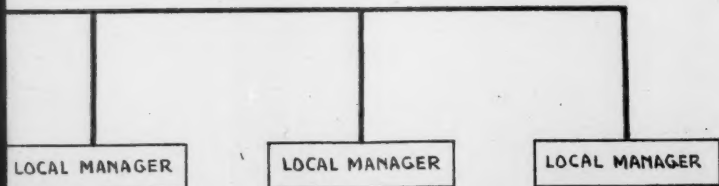
CHAIRMAN CONSULTANT COUNCIL





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The Hospital Service

A REPORT ON RECENT DEVELOPMENTS*

IT is now two years since the National Health Service Act was placed upon the Statute Book. Between November, 1946, and July, 1948, the many new administrative arrangements for which provision was made in the Act came into being, and since the appointed day there has been some opportunity of judging how they are working out in practice. It is much too early to form any conclusive judgments on the working of the new service, but the dynamic nature of the changes which are taking place, and the fact that some of these appear to be of a nature not anticipated a year or so ago, suggest that it is not inappropriate to look even at this early stage at the manner in which the administrative machinery which has been established for the hospital service is functioning, and to attempt to assess the value and trend of various tendencies of development which are already becoming apparent. Whilst a critical evaluation of this kind, it must be stressed, can at the present stage be no more than an interim report—indeed a very tentative one—the rapidity and empirical character of many of the changes now in progress suggest that it would be well to pause and consider them before they harden into “precedents” and “approved practice.”

THE REGIONAL HOSPITAL BOARDS

The first to appear of the bodies concerned with the hospital service were the regional hospital boards, the areas for which were described in an Order published during December, 1946.¹

The possible numbers and areas of the boards had been the subject of some speculation, and the comparatively small number of fourteen came rather as a surprise to those who had been thinking in terms of twenty to thirty regions. It seemed clear that the boards, covering

for the most part large areas, would not be able to interfere unduly in the day to day work of the hospital management committees, but at the same time there was the other danger that they might become too remote, existing in bureaucratic isolation from the hospitals in their areas. These dangers have largely been avoided, and in general it seems that the boards are carrying out as envisaged their functions as policy-directing, controlling, and co-ordinating authorities, with the role of ensuring the planned distribution of resources and the general guidance of the service.

Administrative Problems

It was foreseen that some of the regions would be difficult to administer satisfactorily as one unit, and when the Order was made the Minister placed it on record that where it should be found necessary there might be set up special committees to administer part of a region. Such committees have been set up in the Cumberland and North Westmoreland districts of the Newcastle-upon-Tyne Regional Hospital Board, for Devon and Cornwall in the South-West Region, and for Hampshire, Dorset and the Isle of Wight in the South-West Metropolitan Region. In the first case it is perhaps true to say that geographical features predominate in making such an arrangement necessary, but in the case of the South-Western and South-West Metropolitan Regions respectively it is a matter for regret that more cannot be done to develop medical schools at Exeter and Southampton. It is the lack of these, coupled with the principle of linking each region with a University Medical School, which makes necessary those two geographically straggling and administratively unwieldy regions. Sub-division is a temporary expedient,

* Reproduced from *The Hospital* for November, 1948, by kind permission.

and ultimate severance is indicated although it is likely to be delayed until the desirability of developing new medical teaching centres can be more firmly impressed upon those who will have to take the initiative in the matter.

Other Arrangements

Misgivings were expressed when Welsh national aspirations were propitiated by the establishment of a regional hospital board for the whole of Wales, thus cutting off North Wales from Liverpool, its natural centre. This has necessitated a good deal of attention being given to co-operation between Cardiff and Liverpool, practical considerations of administration in these matters inevitably and rightly overcoming claims having their basis in national sentiment.

Another administrative arrangement which should be noted has been the establishment of a liaison committee of the four Metropolitan Regional Hospital Boards, which has, *inter alia*, nominated two persons to serve on the London County Council Health Committee. Initially the division of the metropolitan area into four parts was not universally accepted, but the arrangement has proved to be a workable means of using to advantage the resources of the London teaching hospitals. Some liaison machinery was, however, desirable, and its establishment will militate against a hard and fast division of the metropolis.

Constitution of the Boards

The membership of the boards was announced in the summer of 1947. The number of members on each board varied between twenty-two and thirty-two, and four main sources of supply could be distinguished, these being local government (26%), the voluntary hospital field (21%), the medical profession (20%) and the Universities (15%). Others included a number of nurses, three hospital administrators, a few trade unionists, and one or two people with no apparent particular qualification or connection.

One of the more obvious criticisms that may be made of the National Health Service throughout is that the authorities created, whether executive or advisory, have been in the main too large. The regional board, with its average number of twenty-six members, may well be subject of such criticism. It may, perhaps, be mitigated in the light of the knowledge that boards have often found it expedient to work through committees, and that these have usually been of a more workable size. Thus in one region there are hospital services, finance and general purposes committees, and sub-committees concerned with consultant and specialist services, mental health services and nursing services; and in other regions there are to be found similar arrangements. Here again there are obvious dangers, one of them being that the board as a whole can easily become no more than a device for receiving reports and approving *faits accomplis*, on the lines of the rather unsatisfactory arrangement which obtains between many county councils and their committees.

A final point to be considered in relation to the composition of the boards is whether the method of their appointment is the best which could be adopted. The principle of nomination has been followed, and, although various bodies and interests have been brought into consultation, it has always been made clear that such consultation did not imply representation.

It is one thing to make this clear, but it is quite another for individual members to free themselves from their representative associations. Both on regional boards and on management committees certain tendencies have possibly appeared in the direction of members not being free from regarding themselves as to some extent representative of particular interests. This is, indeed, scarcely unnatural, and it is too early as yet to form any definite conclusions. There is little doubt that the system of nomination as adopted is better than outright representation,

but equally there is little doubt that the absence of some form of election as opposed to nomination of members of regional hospital boards and hospital management committees must be regarded as a defect of the hospital service. This question of elective bodies is, however, bound up with issues wider than the National Health Service, and can scarcely be examined here.

Staffing the Boards

Whilst laying down certain categories of staff who *might* be employed, the Minister made it clear that it would be left to the discretion of the board to determine its own establishment. In all, eleven categories of senior staff may be employed at the headquarters of a regional hospital board, these being the secretary, senior administrative medical officer, regional psychiatrist, deputy senior medical officer, assistant senior medical officer, medical officer, treasurer, assistant secretary, assistant treasurer, architect and legal adviser. One fact which stands out in disquieting eminence is the gap in salary between the senior administrative medical officer and the secretary; since these two senior officers each have administrative responsibilities which are in general co-ordinate, this is clearly a matter for early attention.

Whatever differences of opinion there may be as to the status and functions of these officers, there is no disputing the fact that both are necessary to the proper functioning of the board. The same unanimity of view cannot be said to exist in respect of some of the other appointments. Two of these which require closer investigation are those of architect and legal adviser.

Regional Board Architects

The celerity with which regional boards have hastened to advertise the appointment of architect, and in one case at least the further appointment of "principal assistant architect," has been a little surprising. It must be doubted how far really serious and in-

formed thought has been given to the making of these appointments and, in particular, to the question of what are to be the architect's functions.

Are his functions to be consultative and advisory or are they to be also executive? That is to say, is the main job of the regional board's architect to be that of examining and advising on projects submitted by the management committees or formulated by the board itself, or is it envisaged that he will also be responsible for the design and execution of all or most of such projects?

In this connection two points should be stressed. First, since hospital management committees may proceed on their own initiative with works up to a cost of £1,000² and have, therefore, no obligation to consult the board or its architect on these, it is only the larger building projects which will necessarily be the concern of the regional board and its architect. Secondly, it can scarcely be over-emphasised that hospital planning and construction is a highly specialised work requiring expert knowledge and experience of a kind which few individual architects, and for that matter, few firms, have had the opportunity to acquire. It must be more than doubtful whether many of the architects available for the regional board appointments will be able to claim such knowledge and experience, nor are they likely to gain it by mere consultation as opposed to practical work.

While it is true that, in due course, apart from the minor work which may be undertaken by management committees, the regional boards will be faced with a great deal of planning, reconstruction, and re-building, it must be doubted whether the consultative work arising will ever be of such continuing volume and character as to justify the full-time employment of an architect by each and every board for this purpose alone, and it must be further questioned whether in any event, having regard to what has already been said about the specialised character of

the work, the appointment of individual architects to each regional board offers the best means of securing advice and guidance. If the functions of the regional board architect are envisaged as being mainly consultative and advisory it may be suggested that the purpose might be achieved more economically and with better results through a central panel of experienced architects, which panel might or might not be based on the Ministry of Health's hospital architects' division.

If the regional board architect's functions are not merely to be consultative there is clearly more to be said for his appointment. He is obviously going to have very much more work to do, and the highly specialised character of hospital architecture and the dearth of architects at present qualified for the work may be used as an argument for building up a cadre of such architects and a new tradition of experience through the medium of regional board appointments. Apart, however, from the initial dilemma that before such a cadre of experienced architects working for regional boards can be built up many major projects will have to be planned, a scheme of things which envisages the original board architect being responsible for the actual execution of the bulk of regional projects is clearly open to the serious objection that the result may be a monopoly or closed shop in hospital architecture with consequent deterioration in design and development. It was Osler who said that in-breeding among medical men carried with it the same dangers as in-breeding in cattle. The same might be said of architects. It must be hoped, therefore, that there is no question of envisaging the regional board architect as having a monopoly of all future hospital planning and construction in his region.

If, however, he is not, that further raises the question of his functions and the justification for his appointment. The planning and research work undertaken under Cederström's direction at Stockholm³ perhaps offers some

pointers to the role which he might play, but at all events what seems clear at the moment is that much further thought must be given to the role and functions of the regional board architect.

Legal Advice

The other office which gives rise to some doubt is that of legal adviser on the staff of a regional board. A management committee is a body corporate with perpetual succession, and has precisely the same legal status as a regional hospital board or a board of governors,⁴ and "a hospital management committee shall, notwithstanding that it may be exercising functions on behalf of the regional hospital board, be entitled to enforce any rights acquired, and shall be liable in respect of any liabilities incurred (including liabilities in tort), in the exercise of those functions, in all respects as if. . . the Committee were acting as principal."⁵ This being so, there is necessarily some doubt as to what can be the functions of a legal adviser at the level of the regional board. Is he there to advise the various management committees, which in law have been constituted separate and distinct from the board, where there is a dispute regarding their rights or duties, or liabilities? Or is his work to consist purely of attending to those matters affecting the regional board itself to deal with which might call for legal qualification? If the latter are to be his only functions, it must seriously be questioned whether there is any scope at all for the full-time employment of such an officer. If, however, he is also to advise the hospital management committees there would seem to be more justification for such an appointment, but how far in fact this is envisaged as one of his functions seems more than doubtful. At least one management committee has sought the advice of a regional board on a legal matter, and received the answer that it was no affair of the board, the position in law of the management committee as described above being quoted in support of this statement. If this practice is general

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it is hard to see how the retention of a legal adviser at a salary of more than £1,000 a year can be justified.

BOARDS OF GOVERNORS

The boards of governors of teaching hospitals made their appearance at a comparatively late stage in the development of the new service, being nominated in the summer of 1948. There are thirty-four of these "all-purpose authorities" in England and Wales, of which twenty-six are in the London area. Except in the case of a few special hospitals, such as the National Hospital for Diseases of the Heart, the boards of governors have jurisdiction over a small group of hospitals which have appeared to the Minister to fall naturally within the orbit of the large teaching hospital which is at the centre of the group.

Membership of the boards varies between sixteen and twenty-nine, the average number being twenty-eight. Rather more than half of the members of each board are appointed on the nomination, in equal proportions, of the University with which the group of hospitals is associated, of the regional hospital board for the area in which the group is situated, and of the medical and dental teaching staff of the group; the remainder are appointed after consultation with various interests, as outlined in Part III of the Third Schedule to the National Health Service Act, 1946.

The advice given for the appointment of officers to the boards does not differ greatly from that given in respect of hospital management committees,⁶ with the significant exception that no attempt has been made to lay down scales of salaries for senior officers, this having been wisely left for the ultimate consideration of the Administrative and Clerical Staffs Council of the National Whitley Council for Health Service Employees. In almost every case the chief officer of the old teaching hospital has been appointed secretary, and to date there are few observations to be made on staffing problems.

Raison d'être of Boards of Governors

Probably the most contentious point about the boards of governors so far is their *raison d'être* as all-purpose bodies, independent of and equal in status to the regional boards. In Scotland they were given no such status, teaching hospitals being brought under the control of the regional hospital boards. Opinion south of the border is divided more or less on the lines of whether the person expressing such opinion is connected with a regional board or with a board of governors, whilst an independent observer would probably elect cautiously to watch the trend of events for rather longer before expressing a view.

HOSPITAL MANAGEMENT COMMITTEES

Place of Hospital Management Committees

The hospital management committee is the operative unit of day-to-day administration in the National Health Service, controlling and managing a group of hospitals, and, in some cases, an individual hospital, on behalf of the regional board. The theory underlying this set-up is one of agency, the regional boards being agents for the Minister in planning and directing the service, and the management committees being agents in turn for the boards in operating the actual machinery of administration of the hospitals. To this end they are charged with the duties of appointment and dismissal of hospital staff⁷ (other than senior medical and dental staff), the general maintenance of premises and equipment⁸, purchase of supplies⁹, and the great number of responsibilities which arise in the minutiae of hospital administration under the Act, such as the maintenance of pay-beds,¹⁰ supply of and charge for appliances,¹¹ and the carrying out of many detailed financial requirements;¹² in addition they have such functions as the promotion of research,¹³ provision of special schools,¹⁴ administering the committee's share of the hospital endowment fund,¹⁵ and accepting and using gifts and money left by will.¹⁶

Some Facts and Figures

A survey of the arrangements made by each of the fourteen regions in England and Wales shows a total of some 370 hospitals management committees. There are a further eighty-two in Scotland.

Their constitution is laid down in the Third Schedule of the Act, where it is stated that they are to consist of "a chairman appointed by the regional hospital board for the area in which the hospital or group of hospitals is situated and such other members so appointed as the Board thinks fit, and the members shall include—

(a) persons appointed after consultation with any local health authority whose area comprises the area or any part of the area served by the hospital or group;

(b) persons appointed after consultation with any Executive Council (constituted under Part IV of this Act) whose area comprises the area or any part of the area served by the hospital or group;

(c) persons appointed after consultation with the senior medical and dental staff employed at the hospital or the hospitals of the group, as the case may be; and

(d) persons appointed after consultation with such other organisations as appear to the Board to be concerned; and in the case of a committee appointed before the appointed day for a voluntary hospital or for a group comprising any voluntary hospital, the original members of the committee shall also include persons appointed after consultation with the governing body of any voluntary hospital concerned.

As in the case of the membership of the regional boards, it is emphasised that no representation is to be implied from consultation.

As far as can be ascertained, regional boards have in the main followed the directions of the schedule, but the proportions in which some have blended the different elements vary greatly, and

a general criticism is that insufficient new blood has been introduced. Perhaps this was inevitable at this inaugural stage, and certainly it would have been ill-advised to discard experienced people who had a *genuine* contribution to make towards running the new service.

Medical men, whether consultants, general practitioners or employed in administration, feature prominently in the lists of management committee members, in some cases to the extent of a third or more of the membership. The nursing profession has a rather higher proportion of seats than it has on the regional boards. People with past or present local government experience comprise another large proportion, and a further considerable number are drawn from the ranks of those prominent in the management of the former voluntary hospitals. Other elements which appear less prominently, but of which there are a considerable number in the country as a whole, are trade unionists, retired service officers, and hospital administrators.

A criticism which may be laid with equal force against the composition of both regional boards and management committees is that there has been striking inconsistency with regard to the position of different categories of officers. It was at one time understood that no officers in the service would be members of these authorities, but the Minister relaxed this intention in the case of the boards, and they in turn have further relaxed it in the case of their management committees, so that medical superintendents and matrons are in some cases members. Whether or not the original intention was well advised, it is to be regretted that, once the principle of selecting officers had been adopted, more use could not have been made of some of those officers who had long and successful records of service in the field of hospital administration, while the same might perhaps be said of almoners and members of other professions which play a large role in the functioning of the hospital service.

Management Committees

The Minister's view was that management committees should not be unduly large, and fifteen seemed to him a number which should not normally be exceeded. The actual numbers in England and Wales vary between ten and thirty,¹⁷ and the relationship between size and number of hospitals and bed complements is different from region to region. In some regions the size of the committee is more or less in proportion to that of the group, reckoned in bed complement, whilst in others it has been preferred to have a fixed number of members for each committee; an example of the latter is the Sheffield Region, where the size is uniformly sixteen, committees of that number being responsible for groups varying between 442 and 2,286 beds.

Examining the size of groups, first in respect of beds, it is found that they vary in size from groups of less than one hundred beds to groups of more than four thousand beds; the number of hospitals in the group, leaving aside for the moment mental and special hospitals, varies from three to more than twenty.

Composition of Groups

The pattern of the groups varies a good deal up and down the country, but several prevailing and in the main similar types emerge. The most usual is, naturally, the "mixed" group, which contrives to provide the facilities of a single, large, all-purpose, fully-equipped general hospital in the district in which its component hospitals and institutions are situated. A typical composition for such a group is one or more acute general hospitals, hospitals providing facilities for treatment of infectious diseases, maternity cases, women's and children's illnesses, eye, ear, nose, throat and chest illnesses, and accommodation for the chronic sick, together with convalescent facilities and dispensaries for tuberculosis and venereal diseases.

A second pattern is that which falls broadly under the head of "special" groupings. Groups within this category consist of a particular type of institution which it is considered would not fit satisfactorily into a general grouping. Examples which may be taken at random from different parts of the country are the Papworth Sanatoria (East Anglia), Royal National Hospital, Ventnor (South-West Metropolitan), Bournemouth and Poole Sanatoria (South-West Metropolitan) and Manchester Babies' and Children's (Manchester Region). It may be added that the approach of regions to the problem of fitting in these special hospitals has varied, and in some cases they are included in "general" groupings where in another region they would have their own management committee.

There are yet other hospitals which have special arrangements in more than one region, an example being the Robert Jones and Agnes Hunt Orthopaedic Hospital at Oswestry, which has after-care clinics situated in the Liverpool and Welsh Regions, and consequently has a management committee the personnel of which is drawn from places situated in three regions.

Scope for a further category is given in section 61 of the Act, which provides for the preservation of the character and associations of any former voluntary hospital linked with a particular religious denomination. The Minister excluded from the service a number of Roman Catholic hospitals, and such other "special association" hospitals as the Royal Masonic Hospital, thus removing a large part of the problem, and hospitals with special associations which are in the service do not appear to have such associations reflected in any special grouping arrangement, although doubtless their character is preserved in the administration of the individual hospital.

Mental Hospitals and Mental Deficiency Institutions

Mental hospitals and mental deficiency institutions have in most cases

their own groupings and administrative arrangements. Sometimes there is one mental hospital, sometimes a mental hospital and one or more mental deficiency institutions, with occasionally a small, formerly private, mental home thrown in. In one case there is a grouping of two large mental hospitals, totalling 3,848 beds¹⁸ which *prima facie* seems an unwieldy number, and in another there is a grouping of two mental deficiency institutions, giving the even more swollen total of 4,374 beds.¹⁹ Geographical contiguity and the fact that in each case the institutions total only two must be regarded as the only reasonable arguments for the establishment of groups so much larger than the size which had originally been considered manageable.

A further distinctive feature of the arrangements for mental hospitals and mental deficiency institutions is that the Minister has seen fit to issue regulations requiring a superintendent to be appointed (a medical practitioner "unless the Minister shall otherwise direct") and to some extent defining this officer's powers. Not only is it disquieting that pre-conceived notions appear to have held sway in this part of the hospital service, but also there is displayed a regrettable lack of forethought in the way in which this officer's powers and duties have been defined. To such an extent is this so that in some mental hospital groups there has come about since the appointed day confusion of a kind which certainly does not expedite progress towards the Minister's goal of breaking down the barrier between mental treatment and other forms of hospital care.

It is worth while looking more closely at some of the causes of this confusion. Enlarging upon the Statutory Instrument, a Ministry of Health Communication²⁰ states that "where a mental hospital or institution is one of a number in a group, it is contemplated that the management committee will appoint a secretary responsible for the general administration of the group; but the superintendent (designated as chief

officer of the mental hospital or institution) will remain responsible in his own institution, with a junior officer of a grade appropriate to the size of the hospital undertaking any delegated administrative duties." There is nothing here, however, which revokes the definition earlier in the same document of the secretary to the management committee as "the *principal administrative officer*, to be generally responsible for the administration of the group of hospitals and for the work of the Committee." If, then, there are two large mental hospitals or institutions in the group, what is the position? In *each*, the superintendent is the chief officer, responsible for the general management thereof. For *both*, however, the secretary is the principal administrative officer, responsible to the management committee for the administration of the group. Even the organisational ingenuity of a well-equipped Department of State must surely be hard put to it to determine how these hospitals are to be regarded at one and the same time in both their individual and collective capacities, in order to be fitted into the orbits of two officers who have both been given primary responsibility for the same job of work. The paradox must be carried still further. Who, it may be asked, may give orders to and require explanations from the "junior officer" undertaking "delegated administrative duties" in the hospital? Ostensibly, the medical superintendent may do so, and to assist him he has formidable statutory powers of suspension;²¹ but if the secretary is to be responsible for management as chief administrative officer of the group, how can he avoid also giving orders and seeking information from the senior non-medical officer?²² Yet cases have come to light where the medical superintendent has sought entirely to exclude the secretary from communication with the clerk-steward. Here again it is difficult to see any forethought in the various instructions which have been given; because, if the secretary *is* so excluded, what does he become but a committee

clerk? Which, according to the Ministry,²³ is exactly what he must not be!

The Single Mental Hospital

In the case of a single mental hospital having its own management committee, the Ministry's view is that "it would be appropriate for the medical superintendent to discharge both clinical and administrative duties as the chief officer and for the clerk-steward to become secretary of the management committee responsible for the general administration and executive work of the hospital or institution under the medical superintendent."²⁴ This situation is undesirable in itself, and it is completely illogical, since the medical superintendent either is or is not intended to administer, and if the former is the case is to all intents and purposes *de facto* secretary of the management committee, his unfortunate subordinate having an empty title and a salary below even the unsatisfactory level of that of the secretary of a non-mental hospital management committee.

Before leaving this topic it is desirable to enquire into the position of the medical superintendent, *vis-à-vis* the finance officer of the group. Here we find a conflict grounded not upon different opinions, but upon conflicting statutory regulations. For whilst one regulation²⁵ states that the superintendent is chief officer, which means that he must be ultimately responsible for stores and finance as well as for general administration, another regulation²⁶ of later date expressly makes the finance officer of the committee responsible for stores accounts, inventories and such matters. It is, therefore, a little difficult to see where we are going when advertisements for assistant storekeepers are published and candidates are asked to apply to the medical superintendent. If the finance officer is legally responsible for stores—as he undoubtedly is—it is to be questioned whether he can retain either his peace of mind or his self-respect when the persons who have day-to-day charge of part of his stores are selected by an officer with no expert knowledge in this field and only ambiguous responsibility for it.

There is, in fact, a muddle, and the Minister would do well to remove its causes if he hopes to see the realisation of his sincere desire for a proper integration of the mental and other hospital services.

Functional or Geographical?

It has been emphasised from the outset of the National Health Service that hospital management committees are to administer groups of hospitals which are not limited to the service of strictly defined territories, the set-up being functional and not geographical. There are no boundaries on a map which may be said to indicate where "A" management committee area finishes and "B" management committee area starts, the "catchment area" of any specific group being determined entirely by the needs of patients for a particular kind of treatment. Thus for "ordinary" needs the inhabitants of a particular town may go to an acute general hospital in "A" group, for T.B. treatment of a particular type they may be sent to a hospital providing that kind of service in "B" group, those who are in need of mental treatment will go to mental hospital in "C" group, while those requiring attention of a highly specialised kind might find it necessary to go to a hospital in "D" group, which may be over the other side of the region, or even in another region altogether.

This is the commonsense way of attacking the problem of hospital treatment. Not only has a tripartite division of ownership and control been merged into a unified system, but also a large number of geographical barriers have been swept away and some of the happenings which in the past aroused either public resentment or public ridicule should not occur in the future.

This being so, it is important to ascertain how far the functional aspect of grouping has been kept to the fore. As far as can be ascertained in these early days, this principle of the service is one which has been largely upheld and there has not been any real tendency to regard management committees as

administering geographical areas. Of course, the geographical element is not left out. For the majority of ordinary cases it will be obvious that people in a particular area will go to a certain hospital, and the hospital will be thought of as primarily serving that area. The names of most management committees, too, reflect a geographical connection, but this also is natural—and is certainly preferable to the practice which has been followed in a small number of places, where the description "No. 1 Group," "No. 2 Group," etc., seems to be used more often than the territorial designation.

Machinery of Administration

The Minister has wished to leave it as far as possible to hospital management committees to regulate their own procedure, but to help them to make up their minds he has from time to time made suggestions, the value of which has been found to vary considerably.

Certain minimum requirements have been made the subject of regulations, among them being the requirement that one-third of the members of the hospital management committee should retire each year,²⁷ and that there should be certain disqualifications for membership,²⁸ modelled in the main on local government practice.

Apart from this management committees were left a free hand. They were given powers enabling them to appoint sub-committees,²⁹ consisting wholly or partly of their members, but they were not *required* to do so. A later regulation made it compulsory to appoint a finance sub-committee,³⁰ which must consist wholly of members of the management committee, but apart from this, central incursion into the field of sub-committee work has been confined to advice.

The main sub-committees which management committees have found it necessary to set up are such generally necessary ones as an executive or general purposes sub-committee, a staff or

establishments sub-committee, and house committees for individual institutions or groups of institutions. The first two categories present no great difficulties, but the third raises many problems, which should be considered in detail.

House Committees

The fitting into the hospital system of house committees, where they are necessary, is a problem which calls for great care. Once it has been agreed that a house committee is necessary in a particular case, there are two dangers to be avoided. The first is the danger of giving it insufficient powers to enable it to function at all, and the second is the greater danger of arming it with powers so wide that it is able either to usurp the functions of the management committee, or to conflict with its administration in running the hospital. Cases have been heard of since the 5th July, in which hospital administrators have encountered difficulties and embarrassments because of conflicting instructions given by management committees and house committees.

How Many Tiers?

The official view is that the hospital service should be based upon a two-tier system of administration, the two tiers being regional hospital boards and hospital management committees. It was foreseen that there might have to be house committees for some of the individual hospitals in a group, or for sub-groups of hospitals, but it was not intended that this should entail the development of any third tier of administration, except perhaps where the special functional or geographical position of a hospital or sub-group rendered it necessary.

It is now apparent, however, that house committees are being established on a larger scale than had been anticipated, and are exercising functions in some cases inconsistent with their status as sub-committees of the hospital management committee. This being so, it is perhaps useful to look more closely at the antecedents of the

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house committee concept, with a view to ascertaining what role, if any, it ought properly to play.

No help is to be obtained from the Act, because it makes no mention of house committees. Going further back, it will be recalled that they are mentioned in the White Paper of 1946³¹ which was published at the same time as, and explanatory to, the National Health Service Bill. Here, in paragraph 33, it is stated: "It is to be the duty of the management committees to carry out day-to-day management of the particular hospitals under their control. . . . They will be able, as required, to set up small house committees for any individual hospitals within their care."

Here perhaps some people may have had in mind the house committee of a former voluntary hospital, which was responsible to the board of management for such matters of day-to-day administration as staff appointments, appointment of visitors, redecoration, plumbing, general maintenance, complaints by patients and staff and similar subjects. Its membership might be wholly or partly drawn from the main committee or board of management.

When the Bill is followed into standing committee of the House of Commons the confusion is, if anything, worse confounded. The Minister, on 4th June, 1946, appeared to attach a great deal of importance to the role of the house committee, when he said: "There will be simultaneously two streams of influence at work. There will be the local people and local influence of the house committee in the day-to-day operation of the hospital, and from the centre there will be a stream of inspiration and refreshment coming down from the medical schools."³²

However, when a Member sought to introduce an amendment to clause 12 of the Bill (section 12 of the Act) which would *inter alia* have required management committees to appoint for each hospital a house committee, Mr. Bevan disagreed. Whilst stating that the house committee was a very necessary

unit in hospital administration, he did not agree that there should be one for every building, and took the view that if house committees were to be put into the Bill there would be the further difficulty of definition.³³ Some critics would now say that it would have been better to face this difficulty than to have the confusion which has since manifested itself in many places.

What emerges is ground for a strong suspicion that nobody had really given very much thought to the place to be occupied by the house committee. This view receives support from two other statements, both made at conferences of the Institute of Hospital Administrators, and both by men who have had no small part in developing the service.

Sir Arthur Rucker, then Deputy-Secretary at the Ministry of Health, said at Brighton in April, 1947: "Most hospitals, perhaps every hospital, will require a local house committee to look after the details of organisation. There you have the chain—the Minister, the Boards, the Management Committees, and the House Committees."³⁴ This four-tier conception, however, seems at variance somewhat with the Ministry's subsequent insistence upon a two-tier system, with house committees only appearing where absolutely necessary.

Finally, Mr. Fred Messer, M.P., Chairman of the North-West Metropolitan Regional Hospital Board, and now also chairman of the Central Health Services Council, said, at this year's Conference of the Institute of Hospital Administrators, "when we get groups of hospitals under the management committee, clearly there is still need for a closer approach to the patient and that closeness of approach can only be obtained through the house committee, composed of officers of the hospital."³⁵ There Mr. Messer expressed an entirely different conception, certainly not one which has gained any currency, for there seems to be no such thing as a house committee composed of officers of the hospitals.

A Variety of Patterns

With such a variety of guidance, it is interesting to see what has actually emerged in the way of house committees. The most obvious fact is that their setting up has not usually been regarded as an exceptional measure, but as a general course of action for most hospitals. The second thing which strikes the investigator is the wide variety which he finds. Perhaps the nearest to the Ministry's *present* intention is the arrangement in the Manchester Region, whereby in the North Cheshire and Mid-Cheshire Groups respectively, sub-groups have been formed for Stockport and Buxton, where geographical or other factors have made direct administration difficult. In each case the sub-group committees are drawn from the hospital management committee, and the secretary to the management committee controls all their hospitals, through assistant secretaries.

The number of members comprising house committees varies a great deal. As far as present information goes, they may have six members, or more than twenty. In some cases the members are also on the management committee, and in others there are many local nominations of people who are not on the management committee, such nominations being very often of those who had been connected with the hospital prior to 5th July, but had not secured a seat on the management committee.

Their functions also show much variety from place to place. Sometimes they are purely advisory, sometimes mainly concerned with maintaining local interest in their hospital, and sometimes they have executive powers which give them the possibility of becoming, as it were, management committees in miniature.

In one group in the North-West Metropolitan Region the functions of the house committee include responsibility for library facilities, occupational therapy, social events for hospital and staff, care of grounds, and inspection of premises and furniture.

The committee may also consider any matters referred to them by the management committee, or may call its attention to any matter, with an appropriate recommendation. Although it is stated that the management committee must remain responsible for expenditure on these matters it is later laid down that the chairman of each house committee is permitted to authorise expenditure of not more than £50 in one month on other than the normal maintenance expenses of the hospital.

In West Cumberland four house committees have been set up for the group which, according to a local Press report,³⁶ "it is hoped will take a growing share in the carrying out of the responsibilities of the management committee in the fulfilment of its statutory duties, and will have some share in the appointment of staff, maintenance of premises, and the general conduct of the service. . . . Their chief task will be the application of gifts and moneys raised by local efforts in the provision of comforts to the patients, and it is hoped they will eventually be able to provide refreshments for out-patients and visitors." Another function of these house committees will be the holding of an annual public meeting to explain the work of the hospitals they serve.

The Chairman of the Luton and Hitchin Group Hospital Management Committee has stated³⁷ that the regional board has been persuaded that the committees had important work to do, and that the task would be "to predigest a good deal of administrative work to save the time of the hospital management committee."

In East Anglia one management committee is already planning for sub-committees of house committees, and there are reports to the effect that this is not an unusual practice.

Enough has been said to show how differently management committees are interpreting their right to set up house committees where they deem it necessary. There is no disposition to criticise much that has been done, and it is

clear that if a house committee is thought of as a sub-committee of the management committee there is some safeguard.

If, indeed, house committees could be conceived as operating broadly along the lines of the former voluntary hospital house committees,³⁸ there would be little disposition to criticise their working. The problem is not quite the same, however, under the new conditions. The concept which must now always be uppermost is the group concept, and individual hospitals must be regarded rather as departments of the group than as entities on their own. There is still room for a house committee, but its scope must be limited to what are strictly day-to-day matters. It is certainly quite wrong that house committees should have powers of engaging and dismissing staff, as they now have in some places.

Unfortunately, there are unmistakable signs of the emergence of a third tier of administration. Sometimes this may be due to a bad grouping, as where a management committee group is too large, and sometimes to an over-zealous conception of what is required to preserve local interest. Whatever the cause, it was surely intended that the management committee should be the operative unit in administration, the house committee (where necessary) being largely advisory in character and at the most exercising only minor executive functions, albeit important ones from the human point of view. If this is not borne clearly in mind, many of the advantages of grouping will have been lost.

Staffing Problems

From what has been said in the foregoing pages it will be clear that interference from the centre has not bulked unduly large in the development of the service at management committee level. There are however, certain matters in which there must be adherence to a more closely enforced national standard, and among such matters is the determination of staffing arrangements, with

its attendant problems of salaries and conditions of service. The establishment of Whitley machinery on a national scale is, *inter alia*, a recognition of this. A further recognition is the fact that it is on record that the "Minister regards it as important that there should, so far as practicable, be uniformity of remuneration and conditions of service among comparable staff throughout the National Health Service,"³⁹ and that he has indicated broadly what officers should be appointed to run management committee groups, and, less broadly, what salaries they are to be paid.

The senior officers which management committees may appoint are a secretary, finance officer, supplies officer, engineer, and assistant secretary. It is recognised that the size and functions of groups vary greatly and provision for this is made in the statement that "it will be for each management committee to determine in the light of its responsibilities how far it is necessary to make all these appointments."⁴⁰ Management committees have made very different uses of this advice. In some places there is the reasonable solution of appointing one officer to be secretary, supplies officer and finance officer, an appointment which has been made in some mental hospital groupings where formerly a clerk and steward, often appointed to the new joint position, was carrying out the functions of administration, supplies and finance successfully. In other places, however, there is some eagerness to build up as heavy a barrage of officers at management committee level as can be squeezed into a liberal interpretation of the Ministry's intention. As an example of this there may be instanced the fact that a management committee in the South-West Metropolitan Region, having appointed a fine array of senior officers, has lately advertised for first, second and third assistant finance and supplies officers respectively! Yet another committee has advertised for an establishments officer. Such an officer may in some cases be desirable, but more should be

known about the duties of his department, and why some management committees of corresponding size need one and others do not.

Responsibilities in a Hospital

It was stated in the Minister's original instructions that senior staff of hospital management committees "should in every case be hospital officers who, in addition to their general responsibilities for the group as a whole, will carry out with the help of any necessary junior staff the appropriate duties with regard to one or more hospitals in the group." Some disquieting appointments which were made indicated, however, that certain employing authorities could not or would not see what was the intention of this, and after representations by the staff side of the Administrative and Clerical Staffs Council the matter was put even more clearly in a further communication from the Minister⁴¹ to hospital management committees, emphasising his view that the secretary "should in every case be a hospital administrator and not a committee clerk."

Even so, a number of appointments have been made in different parts of the country which ignore the terms of the communication. For the most part it may be said that senior posts on hospital management committees have been filled by people with hospital experience who are best qualified to hold them, but these unfortunate appointments from outside the hospital service have caused some bitterness among hospital administrators, which could well have been avoided when the goodwill of all is so necessary to the welfare of the new system.

A last point which should be made in considering the organisation of hospital management committees is that many secretaries have formed the opinion that it is not practicable for them to have day-to-day responsibilities in an individual hospital. It will be a serious development if this turns out to be so, for it will accelerate the tendency towards a third tier if the management

committee administration is to be divorced from hospital administration to this extent. It may be hoped, therefore, that this impression is merely a temporary one, caused by the large amount of paper work inevitably entailed in the transition period, and that when this spate is at an end it may be possible for management committee administrators to see the wood of practical administration unobscured by the trees of bureaucracy. In this respect the Ministry could help by taking steps to prune the latter.

Any failure of the management committee and its senior officers to take part in day-to-day administration would be most unfortunate. Before admitting that such a divorce is inevitable senior officers would do well to consider all the implications, the most serious of which is that it will be difficult to justify the filling of these posts universally by hospital-trained officers if the posts are in fact to be in a separate official category, away from the hospital.

The Individual Hospital

The class of officers which so far is rather in the dark as to the future is that which comprises the administrators of individual hospitals. Obviously they could not all become secretaries, supplies officers or finance officers to management committees, but this does not make the less fortunate ones any less deserving of a good status and proper treatment.

At the same time it must again be emphasised that the group conception must take first place, and this makes it imperative for the individual officer to forego the distinctive status of a chief administrator. He is in fact the head of a sub-unit, but while thus subordinate to the chief administrative officer of the group, he nevertheless carries considerable responsibilities and should be adequately remunerated. Under the present scales he is not. Although in the change-over the person who has done yeoman service as chief administrator may feel his status to be de-valued, there will, it is hoped, come

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a time when the designation now accorded him is no more worthy of contempt than its namesake in the Ministry of Health.

Salaries and Conditions

The scale of salaries promulgated for secretaries and other senior staff of hospital management committees was one of the most severe blows dealt at confidence in the new service.⁴² They bore no relation to the responsibilities of the posts, and the reaction to them of the staff side of the Administrative and Clerical Staffs Council was swift and forthright. A memorandum prepared by the Institute of Hospital Administrators pressing for a scale of salaries in more proper accordance with the responsibilities of the posts was adopted with a few strengthening amendments by the staff side, and negotiations with the management side were opened. The latter are still considering the claims. There have been suggestions of outside pressure⁴³ and unsolicited advice on the subject of salaries, and there are other indications which sometimes make the observer wonder whether the *real* management side is not an *eminence grise* which hovers in the recesses of Whitehall, and which does not manifest itself bodily in the Whitley committee rooms.

ADVISORY MACHINERY

Having examined in some detail the various organs of actual administration in the hospital service, it remains only to take a brief look at the advisory machinery as it affects that branch of the National Health Service.

The Central Health Services Council was not constituted until well after the appointed day, and at the time of writing standing advisory committees remain to be appointed, although they

have for some time been constituted for Scotland. The impression is that, although the Minister may have envisaged the council as having "most unusual powers" and "a much higher status than advisory councils of this kind usually possess," its status is in fact more striking than its immediate usefulness. A Council of forty-one seems to be unwieldy, whilst its functions as so far understood are vague. Perhaps there will be more indications of positive usefulness in the advisory committees, in the establishment of which there appears to be so little sense of urgency.

The advisory machinery may turn out, despite early indications, to have something more than a prestige value. This will depend largely upon the interpretation of their duties by those who are members, either of the Central Council or the advisory committees. It will also depend, as was stated in *The Hospital* some time ago,⁴⁴ upon the extent to which they are able and prepared to work as *ad hoc* bodies, directing their attention to a series of specific problems.

These are early days in the development of the National Health Service, and the whole of the foregoing, both as to fact and comment, must be read in the light of this. There was a real need, however, to attempt a description of developments to date, and to try to assess such tendencies as could be ascertained. Such a review should be made periodically, particularly in this dynamic phase of the new service, so that developments over a period can be seen in their proper perspective, and not as a sequence of daily events, surprises and annoyances, in one or other of which guises they customarily appear to the administrator who has to give effect to them.

¹ The National Health Service (Determination of Regional Hospital Areas) Order, 1946. S.R. and O. 2158 of 1946.

² The National Health Service (Functions of Regional Hospital Boards, etc.) Regulations, 1948, Reg. 5 (6). (S.I. 1948, No. 60.)

³ *The Hospital*, March, 1947, p. 143.

⁴ National Health Service Act, 1946. 3rd sched.

⁵ *Ibid.* s.13 (1).

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- ⁶ Page 15.
- ⁷ The National Health Service (Function of Regional Hospital Boards, etc.) Regs. 1948. Reg. 5(5). (S.I. 1948, No. 60.)
- ⁸ *Ibid.* Reg. 5(6).
- ⁹ *Ibid.* 5(7).
- ¹⁰ *Ibid.* 5(3) (4).
- ¹¹ *Ibid.* 5(1).
- ¹² The National Health Service (Hospital Accounts and Financial Provisions) Regulations, 1948. (S.I. 1948, No. 1414.)
- ¹³ The National Health Service Act, 1946, s.16(2).
- ¹⁴ *Ibid.* s.62.
- ¹⁵ *Ibid.* s.7(5).
- ¹⁶ *Ibid.* s.59, 60.
- ¹⁷ There are some of less than ten in Scotland.
- ¹⁸ Shenley and Napsbury Mental Hospitals, North-West Metropolitan Region.
- ¹⁹ Brockholm and Calderstone, Manchester Region.
- ²⁰ Letter from Mr. S. Mayne, Ministry of Health, to Mr. S. R. Speller, Staff Side Secretary, Administrative and Clerical Staffs Council of the National Whitley Council for Health Service Employees, 9th June, 1948. Printed in *The Hospital*, July, 1948, p. 331, *et seq.*
- ²¹ S.I. 1948, No. 419, Reg. 5(1).
- ²² Although described as a "junior officer" in the document quoted above, it is clear that his duties will not usually be of a "junior" kind. The document itself provides for the filling of the office by one who was clerk-steward before 5th July.
- ²³ "As there seems to have been some misunderstanding about the type of officer who should be appointed as secretary of a hospital management committee, the Minister has written to hospital management committees emphasising his view that the Secretary should, in every case, be a hospital administrator and not a committee clerk." Extract from letter from Mr. S. Mayne, Ministry of Health, to Mr. S. R. Speller, Staff Side Secretary, Administrative and Clerical Staffs Council, printed in *The Hospital*, August, 1948, p. 314.
- ²⁴ Letter, S. Mayne to S. R. Speller, 9th June, 1948. *The Hospital*, July, 1948, p. 332.
- ²⁵ The National Health Service (Superintendents of Mental Hospitals, etc.), Reg. 1948, Reg. 4. (S.I. 1948, No. 419.)
- ²⁶ The National Health Service (Hospital Accounts and Financial Provisions) Regulations, 1948, Reg. 22. (S.I. 1948, No. 1414.)
- ²⁷ The National Health Service (Regional Hospital Boards, etc.) Regs., 1947. (S.R.&O., 1947 No. 1298.)
- ²⁸ *Ibid.* Reg. 3 (vii-xi).
- ²⁹ *Ibid.* Reg. 4.
- ³⁰ The National Health Service (Hospital Accounts and Financial Provisions) Regs., 1948. Reg. 12. (S.I. 1948 No. 1414.)
- ³¹ National Health Service Bill. Summary of the Proposed New Service. Cmd. 6761. H.17. Stationery Office, London.
- ³² Standing Committee C, Official Report, Tuesday, 4th June, 1946. Col. 422.
- ³³ *Ibid.* Col. 423-424
- ³⁴ *The Hospital*, June, 1947, p. 284.
- ³⁵ *The Hospital*, May, 1948, p. 207.
- ³⁶ West Cumberland News, 4th September, 1948.
- ³⁷ Reported in *Hertfordshire Pictorial*, 1st September, 1948.
- ³⁸ See page 22.
- ³⁹ Letter from Mr. S. Mayne, Ministry of Health, to Mr. R. S. Speller, Staff Side Secretary, Administrative and Clerical Staffs Council of the National Whitley Council for Health Service Employees, 9th June, 1948. Printed in *The Hospital*, July, 1948, p. 331.
- ⁴⁰ *The Hospital*, July, 1948, p. 332.
- ⁴¹ The substance of this communication is contained in a further letter from Mr. S. Mayne, Ministry of Health, to Mr. S. R. Speller, Staff Side Secretary, Administrative and Clerical Staffs Council, printed in *The Hospital*, August, 1948, on p. 374.
- ⁴² "Ministry in Wonderland." *The Hospital*, June 1948, p. 247.
- ⁴³ "Salaries." *The Hospital*, August, 1948, p. 343.
- ⁴⁴ *The Hospital*, September, 1948, p. 384.

The Place of Public Administration in a University Education

By R. S. MILNE

THIS article is intended to be neither dogmatic nor didactic. The aims of its author, who has only recently begun to teach Public Administration as a University subject, are necessarily exploratory and analytical. Its purpose is to examine under what conditions, if any, the subject of Public Administration has a place in first degree courses in Universities, and what its scope might be in such a framework. The problem is, of course, not a new one; the pages of this journal are ample evidence of that. It is suggested, all the same, that these pages also show that there is still room for profitable discussion on the topic.

MEANING OF PUBLIC ADMINISTRATION

It is necessary to start by being more precise about the meaning of "Public Administration," so numerous are the sources of possible confusion. Firstly, the term may refer to a degree or diploma course, generally described as "in" Public Administration, but made up of several Social Science subjects, one of which may itself be called "Public Administration." Perhaps it would be more proper to say that these courses were "for" Public Administration rather than "in" it. Alternatively, the words may stand for the title of a single subject: it is this meaning of the term with which this article is chiefly concerned. There can be no doubt that carefully chosen branches of the Social Sciences, often called "background subjects," such as Political Science and Economics, will be of great use to those being educated for administration. It is only thus that they can be shown the heavenly spheres surrounding their own earthy circle of operations. Nowhere but in a University can a student make this broad survey of related knowledge.

Yet this survey alone is surely insufficient to satisfy the demands of those who urge education for administration. "Background" subjects must be a "background" to something. The "something" in this instance might be described as a subject dealing with the main processes and problems of administration and the methods by which the latter could be solved. The background subjects are not, by themselves, of value only to administrators: courses in them are equally helpful, for example, to intending journalists and teachers.

It may be that a subject of this kind will, by its very nature, be unsuitable for teaching in a University degree course, an objection which will be considered shortly. What is certain is that advocates of education for administration are convinced that it ought to be taught somewhere. They will not be satisfied with anything less than a subject such as that just outlined, plus a number of suitable allied subjects. They may, in fact, want a great deal more. They may have in mind post-graduate courses, including Research and Field Work, perhaps with specialisation aimed at training for particular types of administrative jobs, such as those given in some American Universities.¹ Again, it is possible that they would want the subject "Public Administration" supplemented, even at an undergraduate level, by rather narrower courses also directed towards certain particular types of jobs.² These further proposals will not be pursued here. It will, it is suggested, be apparent from the argument that follows, that, quite apart from their desirability, it would be well-nigh impossible to get them accepted by Universities at present.³ What is being put forward in this article is a minimum requirement, as it were, for University education for

administration. If this minimum is not accepted, it is not likely that anything more extreme will be welcomed.

Reflection will show that the single basic subject, "Public Administration," may need varied handling. One approach may be best for those who have come to it straight from school, another will have to be used for those who have already been employed in administration but who have been temporarily released to take a degree. In each case, the instructor will, if possible, attempt to find out what the class already knows and move from the known to the unknown. Teaching for Diplomas in Public Administration may have given the teacher practice in dealing with the second type of student. Yet the approaches would not be so different as to require separate discussion at this early stage.

INERTIA OR HOSTILITY?

Piercing the fog of ambiguity which surrounds its title, it is evident that the subject of "Public Administration" is not at present at all common in degree courses. Why is this so—is it accounted for by inertia or hostility? Is the remedy publicity or persuasion?

There are, of course, several "good" reasons for it. There is the natural reluctance of Universities to branch out into relatively new subjects, although present expansion in, for example, Music and Drama, does not fully support this explanation. More important are the difficulties which face prospective students, already employed in administrative jobs, who cannot attend day-time degree classes, and for whom it is not possible to arrange evening classes. Allied to this is the shortage of staff possessing both teaching ability and practical experience. These considerations, however, are surely not enough to explain the widely differing importance and urgency attributed to the teaching of Public Administration outside and inside the Universities.

It is contended that the real reasons for its lack of University recognition may well be, firstly, the failure of teachers to agree substantially on its nature, and to

produce enough books to "support" a large student "population," and secondly, the belief that the subject is "vocational." The former charge has to be frankly admitted, but only time and debate will provide a remedy. There can be no quick "agreed" solutions about so experimental a subject, or, if there are, they are almost certainly wrong. The latter charge requires more careful treatment. "Vocational" may mean, in this context, "providing a compulsory qualification for entry into a profession." Now Universities do, in fact, provide exactly this sort of training in, for example, Medicine and Law. The degree they confer is a necessary qualification to practise, a passport to a particular field of work.

Today certain of these vocational degree courses exist by reason of historical accident or custom, that is for no valid reason at all. Instruction of a precisely similar kind for "new" professions is, however, opposed, and proposals for it rejected. So enthusiasts who wished to make "Public Administration" and its "background" companions obligatory for intending administrators, for instance in examinations for the Civil Service, would meet heavy opposition, not merely in the Universities but in many other quarters. It would be wise therefore to disclaim any wish to have "Public Administration" taught as a "vocational" subject in this sense. In addition, it is surely desirable that it should be taught to others as well as intending administrators; if its cultural interest is sufficient, it will attract many students who have not yet decided on their occupation, but who realise that administration is so important today that it is worth while understanding what it is about. No more successful way of repelling such students could be found than to turn the subject into a "necessary qualification" for one particular vocation.

Generally, however, "vocational" has a wider meaning than this, and might be identified with "professional" or "technical," as opposed to "cultural." It is impossible to deny that, since the

original purpose of the teaching advocated to be education for administration, it must, in this sense, be "vocational." Does this imply, however, that it cannot also be cultural? Surely this is not necessarily so: the antithesis is neat but false. To persist in it to the bitter end would lead to the ridiculous conclusion that a student who read Classics and then became a classical tutor had not had a "cultural" education. In other words it is maintained that the subject, Public Administration, could be taught in such a way that it would both equip a student with ways of thinking which, added to knowledge of particular techniques, would help him to be an administrator, and, at the same time, form a part of his cultural education.⁴ The teaching would not train a man for one particular type of job: it would not, at its close, enable him to spring forth, Minerva-like, fully armed with all the "know-how" of the ripe administrator. University education in the Social Sciences in general, and the problems and main methods of administration in particular, would be complementary to specialist techniques learned elsewhere and not a substitute for them. Only the union of these two, plus natural aptitude, would result in the finished product, the administrator.

FOUR CONDITIONS

What sort of University course in the subject of Public Administration would achieve these aims? It would seem that the following four conditions should be satisfied:—

1. Too specialised or technical material must be excluded.
2. The remaining material must be adequate in amount.
3. The subject must be treated in such a way as to stimulate thought.
4. The close relation of the subject to the Social Sciences in general and to Political Science in particular needs to be demonstrated and stressed. This point is well brought out by Professor G. D. H. Cole in a recent article,⁵ in which he maintains that first degree

courses should lay "the foundations for a wider synoptic view" than would be obtained by specialisation in any one subject in the Social Sciences.

The first of these conditions is the most likely to cause controversy. It is difficult to point to any firm dividing line between material which is "too specialised" to form part of a cultural education and that which is not. Now the definition of "culture" is something which the writer is well content to leave to T. S. Eliot and others whose vocational training has fitted them to define it. It is, however, maintained that a subject can form part of a "cultural" education, provided that the material is not so specialised as to make thought-provoking treatment impossible. It is claimed that some of the material available for teaching "Public Administration" is sufficiently general to permit this, and that the result of the process would be a "cultural subject."

The precise point at which the Gordian knot must be cut, and some material accepted as "suitable" and some rejected as "technical," is of course arbitrary. At some stage, along the road to technicality, however, the topic becomes too arid, and sermons cease to be found in stones. Both Mr. J. D. Imrie⁶ and Sir Henry Bunbury,⁷ have, in the past, appeared to consider "Public Administration" as consisting, either of the usual "background" subjects, or of what Imrie calls "a body of subjects, narrow in scope and bare in their technique," such as "office practice" and municipal accountancy. It is quite properly argued by both these writers that it is not the function of Universities to teach this second group: they do not explore the possibility of teaching a subject, "Public Administration" which would have rejected these technicalities as firmly as they would. Another example of "unsuitable" material is contained in part of Mr. E. N. Gladden's recent "draft syllabus."⁸ No doubt everything in this falls, strictly speaking, within the scope of "Public Administration." Yet some of the subjects listed by him under the heading of

"Methods of Public Administration, excluding personnel," viz:—Office Organisation and Methods; Accounting and Audit; Contracting; Storekeeping, etc., would hardly qualify for inclusion in a University education.⁹

In other words, the total field of Public Administration has to be defined in extremely broad terms, perhaps as broad as those which resulted in the comprehensive but despairing definition of Economics as being "whatever Economists talk about." It is, however, one thing to define, erring, if at all, on the side of generosity, but quite another to reduce the resulting chaos of material to order. For problems and solutions to emerge, many details of administrative processes must be excluded, and attention concentrated on their common aspects. There is excellent authority for this way of resolving the problem. In his "Introduction to the Study of Public Administration," L. D. White at first defines the subject extremely widely, saying that, in its broadest sense, it consists of all those operations having for their purpose the fulfilment or enforcement of public policy as declared by the competent authorities. Yet White at once proceeds to limit both his field and the reader's expectations. According to his original definition, he states, "highly-specialised procedures," such as the prevention of soil erosion, would be eligible for examination. He disclaims any intention of treating of these matters, however, and declares he is going to confine himself to the "managerial" aspects of administration, and especially to the consideration of certain common procedures and problems characteristic of modern administration. It is evident that, in the opinion of this authority, a broad definition of "Public Administration" can be satisfactorily, and even profitably, accompanied by a highly selective treatment rejecting "technical" material, which must be mastered by those who wish to become expert in one particular job, but which has little bearing on general problems. It follows, then, that there is no absurdity in granting a wide scope to the subject of Public Administration in general, and yet in

demanding that in University teaching the technical aspects should be avoided, even although what exactly is "technical" and what is not must, in the last resort, be arbitrarily decided.

ADEQUACY OF SOURCES

When this rough division of material into "suitable" and "technical" has been accomplished, what is there left for treatment in Universities? There is, first of all, the obvious, namely whatever information throws light on the present working of governmental administration in this country. Some of this will be found in official publications, such as the annual reports of Ministries, the reports of nationalised industries, or the reports and evidence of Royal Commissions. Some will have been published by individuals, or can be obtained from them verbally. Some can be obtained only by observation and inspection. Other information will not be available until the Government decides to publish it, e.g. the activities of the recent Committee on the Machinery of Government, or the descriptions by official observers of the activities of war-time government departments.¹⁰ This type of material can, however, usually produce only a "one-dimensional" picture. It would appear that, from the point of view of material, the necessary additional "depth" might be acquired in three ways. Firstly, more use might be made of the material describing present-day administration in other countries. At present this is an awkward task because of rapid political changes in the Eastern hemisphere and paper and exchange difficulties in the Western. This material is, none the less, essential for the comparative treatment which is advocated in the next section. Secondly, there is room for more work on the history and growth of the administrative system in this country.¹¹ Particular periods or aspects of this have been covered, the medieval period, for instance, by T. F. Tout, and more recent periods to some extent in books such as K. B. Smellie's "A Hundred Years of English Government" and H. R. G. Greaves' "The Civil Service in the Changing State." There

remains the need for "administrative histories" dealing with long stretches of time, and approaching the working of government from the "managerial" rather than the "constitutional" standpoint. Lastly, there exists possible material in the fields of business administration and other types of administration, military, ecclesiastical, etc., not generally regarded as "public." Among the most insistent voices urging the closer joint consideration of business and public administration, have been those of L. Urwick and M. P. Follett. Few would quarrel with their general aim, that "we must learn to think about government in a new way, from the angle of what is technically possible and effective as a matter of administration—government in all its phases, wherever human beings work in association."¹² Yet, although L. Urwick's "The Elements of Administration" and other books contain, under such titles as "Organisation" and "Control," material which sheds light on similar problems in "Public Administration," most of it is well beyond the margin of cultivation for study in Universities. The distinguishing marks of "Public" Administration as opposed to "Private" have been stated so often,¹³ that it is unnecessary to repeat them. It is, however, arguable that it is just those aspects of Public Administration which, it is suggested, can most profitably be studied in the Universities, namely the relation of the official to the public and to the elected representatives of the public, which have least in common with the lessons obtainable from other types of administration. The value of studying the latter may well consist in the lines of thought they suggest or the parallel illustrations they afford, rather than in the provision of any ready-made transferable rules.

TREATMENT OF MATERIAL

If it is admitted that enough material exists to form the basis of non-technical study, the next point to be considered is whether this can be treated in an inspiring and stimulating way. It is submitted that there are three possible

stages of treatment; descriptive, comparative and critical, and a third, beyond these, as yet ill-defined and unnamed.

DESCRIPTION AND COMPARISON

The descriptive stage is a necessary one, but unless well handled and unless leading to some other stage, is necessarily dull. This disadvantage has been found, not only in University courses, but also in meetings of some Regional Groups of the Institute of Public Administration. Isolated descriptive lectures are not calculated to arouse interest except among those employed in the particular branch of administration concerned. The result is, in the absence of a connected course of lectures, or of individual lectures which transcend the descriptive, the attraction of a series of small and discrete audiences which attend mainly to file away compartmentalised material into already compartmentalised minds. The stage beyond this consists of comparison and criticism.¹⁴ The basis of the first is that wider selection of material advocated in the preceding paragraph. Criticism should flow out of comparison plus certain tests applied as criteria of particular methods, perhaps, for example, efficiency and responsibility to the public. Unfortunately, as will be seen later, it is hard to measure the results of such an application with any accuracy. This stage involves treating problems "laterally" as well as "vertically" so that the student is not left to put together a jig-saw puzzle with no image of the whole picture to guide him. Thus, personnel recruitment methods in various countries would be considered together, each being described in its setting, and then compared and contrasted, and not left embedded in the general account of administrative personnel for each country.

DISCUSSION OF PRINCIPLES?

It is possible that a third stage of treatment exists beyond criticism and comparison. It is difficult, however, to be dogmatic about either its content or its existence. It may be that, when fully developed, it would consist of the enunciation and application of certain "principles" of Public Administration.

Urwick wishes to discuss administration in terms of "principle,"¹⁵ basing his approach on the "administrative duties and principles" of Henri Fayol. Other writers, such as Mr. E. S. Byng, who have written of "the basic principles of administration,"¹⁶ may or may not have a similar type of principle in mind. Such attempts at systematisation are not to be accepted too uncritically. On Urwick's own admission Fayol's lists of duties and principles are empirically arrived at and subject to unlimited additions. They offer, therefore, a classification which shifts as the investigator proceeds. Further, it may be argued that, by themselves, the principles "Command," "Control," etc., are rather similar to slogans or catchwords. They indicate certain prerequisites of any sound administrative scheme, but by themselves give no very strong hint as to how to achieve them.¹⁷

It is perhaps in the attempt to discover this third stage of treatment that two especial difficulties of the subject become apparent. Public Administration not only labours under the curse common to all the Social Sciences, the limits to the use of the experimental method,¹⁸ it also suffers from two further drawbacks. The first of these is that the descriptive stage previously referred to must be a long one. Add to this an adequate period for comparative and critical study, and it will be obvious that a very long course indeed will be needed if there is to be time for any further treatment whatever. It is this perpetual shortage of time, dictated by the number of facts required as a prelude to fruitful thought, which makes the planning of the subject "Public Administration" so difficult in a D.P.A. course. In such a course, it is a feat to go beyond the purely descriptive in the subject, and practically an impossibility to go beyond the comparative in any search for "principles." The other handicap consists in the difficulty of quantitative measurement in Public Administration. The problem of measuring "efficiency" for instance, is of quite a different sort from the measurement of "efficiency" in Mechanics. Except in financial matters, there has been as little

successful statistical treatment as in the parent branch of Political Science. It has not yet been possible, for example, to make the "span of control"¹⁹ more than a most general maxim, and attempted arithmetical "proofs" of its validity are curious rather than convincing. Another example of ill-success appears to be H. D. Lasswell's attempts to classify the behaviour of clients on public relief towards officials.²⁰ Applicants in Chicago over a given period had their behaviour classified as either "aggressive" or "non-aggressive." Yet the large number of widely-differing types of behaviour included under each of these two categories suggests that, even if classification is correctly carried out, no great significance can attach to the results. What is one to understand by "non-aggressive" if this category includes behaviour described as "insistent"? It would seem that such methods are either not applicable to Public Administration, or that if they are, they must be conducted with such elaboration and refinement as to put themselves beyond the pale of teachability and into the realm of the "technical."

RELATION TO POLITICAL SCIENCE

Whatever success may be achieved in improving the treatment of "Public Administration," it is certain that its relation to Politics and to the Social Sciences generally must be explained and continuously brought out by the teacher. It is natural for supporters of "new" subjects to be "separatists." The first condition of a subject's recognition is to succeed in some delimitation of the subject matter from that of adjoining subjects. Thus at school one was taught that Aristotle "separated Politics from Ethics," and Professor G. C. Catlin in his "Principles of Politics" was still concerned with this task of separation, of delimitation. There are, of course, differing views as to the exact relationship between Public Administration and Politics. Yet precisely where the line is drawn is not vitally relevant, so long as it is realised that the ground of Politics does not lie inside a magic circle where the student of administration is forbidden to

trespass. In "Public Administration" there is ample room for specialisation, but the place for this is not in a first degree course. Administration is not carried out in a vacuum. Any picture which attempts to describe it otherwise than in terms of the interplay between officials, and other bodies and persons, such as the legislature and the public, will be partial and false. The general tendency towards too great specialisation in Public Administration has been forcibly put recently by an American writer, S. C. Wallace. In his "Federal Departmentalisation" he urges that greater emphasis should be placed on the setting in which administration operates, and holds, in particular, that in the U.S. there has been too little study of the effect of legislative criticism on administrators. In teaching administration in Universities this type of "unrelated treatment" would be condemned not only by its incompleteness but also by the number of bored and compartmentally-minded students it produced.

SUMMARY

To summarise: it is maintained that "Public Administration," considered as a single subject, can be both of vocational help to administrators and, at the same time, a valuable part of a cultural

University education. To achieve this, certain conditions must be satisfied. The decision must be taken, first of all, to attempt some selection of material. It would seem that suitable "non-technical" material exists, but that it is "raw" material: it needs to be collected and sifted by more comparative treatment, both in area and in time. To this extent progress in teaching is dependent on progress in research. The critical approach and a continuation of the methods of L. D. White of examining "problems" and "procedures" underlying administrative operations, should provide a basis for further progress. It is possible that "principles" of wide application to administrative matters may yet emerge, but it is submitted that the present "pretenders" have not yet produced satisfactory proof of their identity. It is also contended that the close relationship with Political Science should be continually emphasised.

Finally, if teachers of the subject, by discussion and experiment, and with the help of actual administrators, can reach broad agreement on its nature and possibilities, the Universities may be more readily convinced of its importance.

If the present article helps to stimulate this discussion, it will have served its purpose.

¹ See *Education for Public Administration* by G. A. Graham. (Public Administration Service, Chicago, 1941).

² See, for example, the list of alternative subjects for Paper V in the Local Government Promotion Examination.

³ I am not, of course, referring here to post-graduate research in general, but only to the elaborate and specialised type previously cited.

⁴ This view is put forward by H. G. Corner in the very first issue of *PUBLIC ADMINISTRATION*. He quotes, with approval, the objective that "the science of public administration shall be such a section of University training as to ensure that its study shall in itself be a liberal education and not merely vocational training." (p. 54.)

⁵ In "Teaching of Social Studies in British Universities" in the *Universities Quarterly*, May, 1948.

⁶ *PUBLIC ADMINISTRATION*, Vol. X, p. 116.

⁷ *PUBLIC ADMINISTRATION*, Vol. XI, p. 344.

⁸ "On the Study of Public Administration" in *PUBLIC ADMINISTRATION*, Vol. XXIV, p. 194.

⁹ For examples of "technical" matter, studied under the heading of "Public Administration" in American Universities, see Professor Harvey Walker in *PUBLIC ADMINISTRATION*, Vol. XI, p. 15. Walker argues that if a vocational subject has an adequate "cultural content," then "no apology need be offered by the Universities for including it in their curricula." His concept of culture seems sufficiently unlike that prevailing in this country to illustrate the pitfalls awaiting those who seek to define the term too glibly.

¹⁰ On the topic of published and unpublished governmental material generally, see the Report of the Interdepartmental Committee on Social and Economic Research, Cmd. 7537 (Oct. 1948).

PUBLIC ADMINISTRATION

¹¹ Also, according to J. M. Gaus, in the United States. See Anderson and Gaus, *Research in Public Administration*, p. 160 (note).

¹² L. Urwick in "A Republic of Administration," *PUBLIC ADMINISTRATION*, Vol. XIII, p. 263.

¹³ See Lord Stamp in *PUBLIC ADMINISTRATION*, Vol. I, p. 158.

¹⁴ cf., "Outline of a Possible Curriculum for Courses in Public Administration" in *PUBLIC ADMINISTRATION*, Vol. XII, p. 132.

¹⁵ Preface to *The Elements of Administration*.

¹⁶ *PUBLIC ADMINISTRATION*, Vol. XXI, p. 1.

¹⁷ Possibly a more detailed study of the work recently done by O. & M. might throw more light on basic administrative procedures, and at the same time dispel some of the mist generated by too abstract discussion of "principles."

¹⁸ cf., B. Webb, *Methods of Social Study*, p. 220.

¹⁹ *Elements of Administration*, p. 53.

²⁰ *The Analysis of Political Behaviour*, p. 262.

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Appeals under the Town and Country Planning Act, 1947

By CHARLES M. HAAR¹

LOCAL inquiries conducted under the town and country planning laws may be classified roughly under three heads: appeals by private developers from decisions of a local authority; appeals against proposals for comprehensive development by a local authority; and, finally, appeals against proposals for development by the Minister of Town and Country Planning himself. Of these, the appeal from a decision of an authority is the one that most frequently brings the private citizen into contact with the Ministry, over 1,000 cases of this kind being heard during 1947. In addition to being the most frequent type, engaging approximately 90 per cent. of the combined time of the inspectors who preside at the inquiries, it is also the oldest, tracing its antecedents back to Section 268 of the Public Health Act of 1875. It is therefore the best developed and thought-out type of planning inquiry. Since no statutorily prescribed procedure exists, as it does in the case of appeals under the Town and Country Planning Act, 1944, and New Towns Act, 1946, a brief description and evaluation of its procedure is here in order.

STARTING PROCEEDINGS

Under the system of planning control of private development laid down by the Town and Country Planning Act, 1947, an applicant aggrieved by a local planning authority's refusal of permission to develop, or by the conditions attached to any permission for development granted to him, may appeal to the Minister (Section 16 (3)). Right of appeal is also granted in the event of the failure of the planning authority to give a decision within two months. Proceedings are begun by a letter from an applicant claiming that he is aggrieved. He is sent, in return, an appeal form in duplicate, to be filled out together with relevant

documents and plans. Copies of the following documents are required:—

- (a) The application made to the planning authority;
- (b) All relevant plans, drawings and particulars;
- (c) The notice of the decision, if any; and
- (d) All other relevant correspondence with the authority (T. & C.P. Development Order, 1948, S.I. 958, Art. 11.).

When this information has been submitted it is checked to make certain that the Minister has jurisdiction over the case. Besides all the obvious checks, one recurring question is that of deemed refusal. Often a local authority may tarry beyond the period of deemed refusal, then issue a conditional permission. The applicant may appeal, and both sides may direct their argument to the conditions imposed by the authority. In fact, it is deemed refusal, and this will be pointed out by the Ministry's pre-inquiry investigation staff. The copy is circulated to the local planning authority for its observations (in duplicate) on the subject matter and grounds of the appeal, which are requested to be furnished within fourteen days. Under the old procedure, the date of fixing the inquiry was postponed until the receipt of the comments of the local authority upon the appellants grounds for appeal. This often resulted in long delay. At the same time, if the nature of the case seems to require such action, other Government Departments who may be interested in the outcome of the appeal, such as the Ministries of Transport or Health, or the Board of Trade, will be asked for their observations on the case. The place and date of the inquiry are fixed with the Inspector section of the Ministry, and both the applicant and the local planning authority are notified.

The applicant is requested to arrange for the posting of notices of the local inquiry in a conspicuous place convenient to the site in question, and, as a corresponding division of labour, the local planning authority is asked to insert the notice in one or more newspapers circulating in the locality. The local authority is also requested to give notice of the local inquiry to those owners and occupiers of property in proximity to the site who are considered by the authority to be affected by the proposed development in order that they may, if they so desire, attend and give evidence. A copy of the observations which the Minister has received from the local authority is also enclosed for the information of the appellant. Fourteen days before the inquiry the file, ever growing more bulky, is sent to the presiding inspector through a Senior Inspector who acts as a briefing officer.

THE INQUIRY

The Inspector opens the inquiry by a brief statement, this is a local inquiry wherein *X* is appealing under *Y* statute from the denial of permission (or conditional refusal) by local authority *Z* to do thing *A*. He then asks for appearances, obtaining the names of counsel on both sides and the witnesses they propose calling. Almost invariably he asks for the names of any other interested parties who wish to be heard. After the list of appearances has been obtained, the proceedings unfold in three stages :—

(i) Appellant's Case—The appellant's advocate makes a "statement" describing the proposed development. He elaborates the reasons why it should be allowed. This statement is then proved by the witnesses whom he calls. Testimony is given in three phases. First, the witness undergoes an examination in chief by the advocate; as this is often rehearsed in advance, it goes off without mishap usually. Then he is subjected to cross-examination by the advocate of the other party—the real test of the worth of his statements. Finally, there is the re-examination wherein the witness's

proponent attempts to repair any damage wrought by the cross-examination.

(ii) Local Authority's Case—The expounding of the local authority's viewpoint is then begun by a statement from its counsel. Again, witnesses are called to prove the case; they again go through the three-phase procedure of examination, cross-examination, and re-examination.

(iii) Appellant's Reply—The last word is given to appellant's counsel, who makes a final summation of his case.

The other interested parties are then heard. These are public-minded citizens, or, depending on the point of view, local busy-bodies acting as spokesmen for the neighbours. Often, at the gentle prodding of the Inspector, they will concede their case has already been fully aired in the more formal phase of the proceedings, so that there is no need for their story to be heard. The Inspector will then be content to record that these people appeared in order to support the authority or the appellant, as the case might be, and indicated that they endorsed what had been said. But sometimes their testimony may serve to bring out relevant evidence.

The inquiry is then closed by the Inspector. Afterwards he visits the site of the contested proposed development, accompanied by a representative from each side; this personal tour serves to bring many paper plans to vivid life.

The Inspector then submits a detailed Report to the administrative section of the Ministry. This consists of a description of the land and the surrounding areas, a statement, in chronological order, of the evidence and testimony introduced at the inquiry, and, lastly, his recommendation and reasons for it. The plans earlier received, as well as those submitted at the inquiry, are included in appendices. If approved by the Decisions Officer for that area, a decision letter is issued, signed by an Assistant Secretary for the Minister, and constituting the final decision of the Ministry.²

Should the Inspector's recommendation be accepted, that is the last he sees of the case until the file is re-circulated for use as office precedents. Should a point of difference, however, arise, he will be called in for consultation by the Decisions Officer, and the matter will then be thrashed out. The final say is with the administrative people, but great weight is given to the Inspector's recommendation, reversals rarely occurring except in the shape of changing or varying the conditions he may have laid down. The Decisions Officer may carry on *ad hoc* consultations with other Departments in order to ascertain their views, as well as consult other technical sections within the Ministry of Town and Country Planning itself. Difficult decisions, of course, frequently wend their way up in the hierarchy of the Ministry, sometimes being settled at the highest levels.

The procedure at the inquiry is not necessarily as rigid as here set out; details may be varied at the Inspector's discretion. If, for example, the appellant is not represented by counsel, there is a very considerable addition to the Inspector's responsibility. And, it may be added, a test of practical judgment. A safe prediction is that self-conducted appeals will multiply, rather than decrease, under the 1947 Act for hosts of minor developments are now brought under planning controls; arguing one's own case is also somewhat encouraged by the Ministry's formal letter notifying the applicant that he need not incur any heavy costs. It has often been pointed out that to secure an adequate defence against arbitrary administrative action, the mechanism of redress should be open to all, not only in theory but in practice. The inspector-conducted local inquiry satisfies this requirement by involving as little expense as possible. However, the Minister may direct the appellant or the local authority to pay all or a proportion of the costs. This power has been reserved for frivolous appeals or demonstrably unreasonable rulings. An illiterate person, or one shy of public histrionics will be assisted in conducting his case; a layman's outburst upon or retorts to a witness's testimony will be

turned into questions which can then be put to the witness. In a sense the Inspector becomes an advocate, for the unequal representation on the two sides forces him to develop the case for only one side. On the whole, even this type of proceeding has worked out fairly well, and the fairness of the Inspector is usually acknowledged. At one inquiry which I attended, the appellant plainly thought that hiring of counsel would simply waste money, since he was doomed to lose to the all-engulfing bureaucracy; here, the Inspector, doing all he could to ensure even-handed justice, was rebuffed in his efforts at assistance by the appellant's attitude.

THE RULES OF EVIDENCE

The picture sought to be created in the public mind is that of a tribunal through which it is easy to approach the Minister. Relaxing of the more rigid technical rules is thought to create a simple and friendly atmosphere. Therefore, although the Inspector has the power to put witnesses under oath, this is almost never done in practice. He may also issue subpoenas which, if ignored, may result in the imposition of a £50 fine and six months imprisonment³; but one of the oldest Inspectors at the Ministry could not recall one case where this power had been exercised.

The rules of evidence⁴ are bowed to in passing, but more often the Inspector makes his rules as he goes along.⁵ The theory is that the technical rules based in large measure on the inability of a jury to handle certain data have no reason before people who are expert in the peculiar problems of fact that may arise. Letters by absent well-wishers, not present for cross-examination, are admitted without formal authentication. Petitions, though not proved by their signers or collectors, are also admitted. To this admission, though, the Inspector often tags on the qualification, "We'll take it for what it's worth," or, more naively, "I'll study it, although it may not be part of my Report." One clever advocate challenged the admissibility of a land-use map introduced by the local authority in order

to show that the site had then been used only for residential purposes. It turned out to have been drawn up under the technical witness's predecessor, with no one certain as to the exact method used in accumulating and tabulating the information set down so resplendently in colour on the map.

Much latitude is permitted in the expression of opinion; again, the scales are tipped in the direction of admissibility rather than exclusion. The purpose apparently is to let the chips fall where they may. Generalisations abound. "This is contrary to all principles of good planning," or, "If this development is permitted it will completely frustrate the Abercrombie Plan," are expressions which come too readily to the lips of the parties. To make matters more difficult, there is also great diversity in a field where angels truly fear to tread. Ideas as to proper density or what constitutes a "green belt" will vary from one expert to another. This often results in testimony more entertaining than instructive. The end result is that they are all admitted and simply neutralise each other's effect.

Again, there is wide latitude in the scope of the cross-examination. Leading questions are permitted, and may range far outside matters raised by the chief examination. Rarely does the Inspector interfere. In one case, the adjoining landowner was making much play of the fact that the appellant had left London during the blitz and only now was returning to convert his dwelling-house into a club that would endanger the amenities of the neighbourhood; this harangue was cut short. Often the Inspector has an effective barometer in the lawyer of the opposite side.

DURATION OF PROCEEDINGS

The speed with which it can mete out justice is one of the chief advantages claimed for administrative agencies over the traditional courts. In real estate transactions, in building and in changing the use of a particular piece of land, especially, time is of the essence. This fact has been readily recognised by the

Ministry, which has aimed at the reduction of the time consumed by the administrative adjudication. It has now succeeded in reducing the interval from the date of receipt of the letter of grievance to the issuance of the decision letter to approximately three months. The average intervals at the various stages for the month of May, 1948, were:

Average intervals at the various stages	No. of cases recorded	Average interval of days
1. Between receipt of appeal and completion of documentation	87	17.7
2. Between completion of documentation and date of inquiry	106	32.5
3. Between date of inquiry and receipt of Inspector's report	81	13.5
4. Between Inspector's report and issue of decision	60	24.4
5. Between approval of draft decision and issue of decision ...	90	5.2

It should be pointed out that these cases include only the straightforward ones. Those requiring observations from other Government departments are not included in this average; the Ministry does not consider itself responsible for the time which may be consumed by other departments.

PUBLICITY

The disadvantage of lack of publicity which has been said to attend the work of administrative tribunals is not present in the planning inquiry. Although the hearing does not by statute necessarily have to take the form of a local inquiry, in practice it always is a local inquiry open to the public. Furthermore, the reasons for the decision are invariably disclosed in the explanatory letter issued to the applicant.

As town and country planning appeals law develops, a pattern of decision is sure to emerge. Cases are decided even now

TOWN AND COUNTRY PLANNING ACT, 1947

on the basis of precedent: the Minister has, by an earlier decision, committed himself to supporting the authority's plan for a riverside park, hence the neighbouring appellant must also fail in his attempt to free his site from the local authority control. Before the war the Ministry of Health, then responsible for administering the Town and Country Planning Act, 1932, published in its *Annual Report* a summary of some of the more interesting decisions issued during the year. This practice has been recently resumed by the Ministry of Town and Country Planning in the form of a quarterly *Bulletin of Selected Appeal Decisions*. Issued in order to draw the attention of the local planning authorities to decisions involving new questions of policy and generally to assist them in dealing with future development applications that involve similar considerations, as well as to give guidance to private developers, the *Bulletin* may soon evolve into a Law Report for this type of case. But as a guide it suffers from not being detailed enough in giving the facts or the reasoning so that one may judge what precisely it is the decision stands for. If the *Bulletin* is to make a practical contribution to administrative law it will have to be expanded and a more exhaustive explanation given. In any event, the chief obstacle facing any attempt to achieve a consistent pattern of decision is that these decisions necessarily turn on the specific fact situation of the case. This is a constant reminder that the effects of *stare decisis* may be most undesirable in this fluid field where flexibility of decision must not be stultified.

FINALITY OF DECISION

Where an appeal is brought the Minister may allow or dismiss the appeal or may reverse or vary any portion of the local authority's decision, whether or not the appeal relates to that portion. The Minister's decision is stated to be final. *R. v. East Kesteven R.D.C., ex parte Sleaford and District White City Sports Stadium Co.* [(1947) 1 All.E.R.310] is apparently the only reported case of an appeal from the Minister's decision, and

was an unsuccessful attempt. By analogy to *Errington v. Minister of Health*, [(1935) 1 K.B.249], the rules of natural justice are often assumed to apply to this type of appeal. However, the wording of the 1947 Act, by assimilating this type of appeal to one called in by the Minister to be there decided initially, seems to have eliminated the *lis inter partes* which is the hall mark of the type of proceedings to which the rules of natural justice are applied. Hence, even this review may be precluded.

EVEN-HANDED JUSTICE

The dispensing of even-handed justice is a condition precedent to the achievement of any of the objectives of an inquiry; hence the charge of partiality on the part of the Ministry is most damaging. Professor Allen has flatly stated that the decisions "are nearly always prepossessed in favour of the local authority." However, an examination of the appeals shows no trace of bias in favour of the decisions of the authority. The *Eighteenth Annual Report* of the Ministry of Health, the department for appeals under the earlier town planning legislation, for instance, pointed out that the proportion of appeals dismissed to appeals allowed has remained fairly constant, the local authorities being sustained in some 60 per cent. of the 1,011 appeals. Even the Committee on Ministers' Powers, which received much testimony attacking a Ministry-conducted local inquiry, had in its possession a Memorandum of the Minister of Health in regard to appeals under the Town Planning Act which scarcely supported contentions of bias. The figures were as follows:—

	1926	1927	1928	1929	1930
Appeals received during year ...	47	56	107	101	99
Appeals allowed	9	15	23	18	23
Appeals dismissed ...	8	13	28	32	25
Appeals withdrawn by agreement ...	26	24	27	18	11
Appeals abandoned ...	2	5	26	26	25

Committee on Ministers' Powers, Memoranda by Governmental Departments, p. 48 (1932).

To cite recent figures, in April, 1948, 46 appeals were allowed and 63 dismissed; in March, 1948, 41 were allowed and 57 dismissed; and in December, 1947, 38 were allowed and 52 dismissed. Surely a very high rate of reversals for any appeals process. Again, the London County Council, the largest and perhaps best-staffed planning authority in the country, has achieved only a poor average. Between April, 1945 and March, 1947, out of 37 appeals against decisions of the Council only 16 were dismissed.

PERSONNEL

Since the Inspector is, so to speak, the countenance which the Minister turns to the public, the composition of the Inspector corps is a crucial problem indeed. It has sometimes been rather blandly stated that the Inspector is "not a very highly qualified person in any respect."⁶ To the extent that membership in professional and learned societies—conceding for argument sake the irrelevancy of the Civil Service entrance examinations—is an indicator of a person's qualification, this charge is not borne out by the facts. These facts, as disclosed by the Imperial Calendar and Civil Service List, reveal a bristling array of such memberships. The Chief Planning Inspector is both an A.M.I.C.E. and a M.T.P.I. The five Senior Planning Inspectors have had similar professional training: one is a F.S.I., M.T.P.I., M.I.M.C.E., and L.R.I.B.A., one a M.Inst.C.E., M.T.P.I., M.I.M.C.E., and F.R.San.I., while the remaining two are a B.A.I. and F.R.I.B.A. respectively. Although not possessing so formidable a string of qualifications, each of the twenty Planning Inspectors is a member of at least one professional association, with three belonging to three and two to six such associations.

What constitutes the real problem of selection is whether the Inspector's training should be in planning or in law. At the present time his training is in architecture, surveying or engineering—the professions traditionally associated with town and country planning in England. Only one Inspector is a barrister, and this apparent handicap has

been overcome by his qualifying as an engineer as well. This parochialism sometimes leads, as has been pointed out, to difficulties at the inquiry. The Inspector is not too sure of the proper way to handle counsel appearing before him. There is a tendency to regard the lawyer's tactics as smacking of connivery; many Inspectors think that the weaker a man's case on planning grounds the more will he stress legal technicalities, an impression unfortunately reinforced by the attitude of some lawyers. But, at the same time, the Inspector's impatience may be due to inability to grasp the legal issues at stake.

A specialist in either discipline has his elements of strength and weakness. The lawyer is more accustomed to courtroom technique, to the evaluating of testimony, and, perhaps, to singling out the decisive issues and marshalling the arguments on either side. After all, the Inspector's job may be regarded as resembling that of a special master appointed by the equity court to take evidence and report his findings. On the other hand, the ever-present argument for the creation of an administrative agency is equally cogent here, and points to selecting the professional planner. He is the expert. He knows what is good or bad planning, and into which category the proposed development falls. The ideal, of course, is a combination of legal training with professional training or experience in planning.⁷ In an imperfect world the problem is, whether the planner can learn the applicable statutory and case law and the handling of the testimonial technique, or whether the lawyer can more easily learn the intricacies of planning. The outcome will be determined, as experience of the 1947 Act continues, by the initiative and the pressure brought to bear by the professional groups concerned for a slice, or sometimes more than a slice, of the planning pie.⁸ So long as the present system of adjudication is continued, with the Inspector but one link in the chain of production of the decision the need for his being a professional technician is diminished since the Decisions Officer may always have the benefit of the

observations of the other appropriate technical sections in the Ministry. However, if this function is separated out from the Ministry, the new tribunal would have to be composed of professional planners; otherwise, it would be folly to partition off the lawyer-inspector from consulting the architect or engineer or other technicians on the Ministry's staff.

CONCLUSIONS

The loosening of the formalities of court procedure and relaxation of the technical rules of evidence would seem, at first glance, to condemn the planning inquiry to futility in its efforts. Only prolonged hearings, with confused and bulky testimony, material and immaterial, proven and unproven, seems the inevitable result. Nevertheless, it is surprising how generally satisfactorily these appeals are carried out. Indeed, the very relaxing of formal rules makes the inquiry a flexible instrument for the discovery of the most appropriate use for a particular piece of land. The elements of a fair hearing are substantive, it must be recalled, and no particular procedural form need be guaranteed. It is total impact that counts.

By taking the public into its confidence through holding an inquiry open to all interested parties, giving its reasons in the decision letter, issuing periodical *Bulletins* of important cases, as well as making its procedure as quick as possible, the Ministry seems to be admirably accomplishing the purposes underlying the local inquiry. The local authorities are guided towards using their powers properly in order to achieve the best use of land; by control of these planning appeals the guiding uniform hand of the national Ministry is made effective. The looming possibility of an enquiry, with its attendant publicity, is a strong brake to any rash or overdogmatic step by a local planning officer. And, needless to add, it is a check against arbitrary or discriminatory action against an individual.

Fundamentally the inquiry serves to combat any public impression that the planning mechanism is a ruthless use or misuse of powers. It is an individualisation of the brooding, omniscient law. As such, it eases public acceptance of the far-reaching planning controls imposed by the 1947 Act. If planners are to achieve their objectives they must carry local opinion with them in the broadest sense. Where an Inspector is dispatched from central headquarters in London to a village in the north of England because a man has been denied permission by his local authority to build a small hut, this requirement is nearly satisfied. One objective in a democratic society is at least to appear to do justice.

A minor corollary of this last effect is the mollifying results the inquiry has upon the appellant—though necessarily often not too sweet a consolation. For in addition to the wider communal acceptance of the principle of the control of the physical environment, the programme embodied in the 1947 Act is not likely to be successful without an attitude of confidence and co-operation on the part of owners of and dealers in land.

The finality of the Minister's decision seems justified in this type of appeal, where departmental policy is of such overwhelming importance. No specially-differentiated organ for fulfilling this function seems necessary. The remedy for bad planning, or the bad carrying out of a major policy, lies with a Parliament responsible to the electorate, not with stray cases that may crop up in the courts. The actions and methods adopted by the Ministry of Town and Country Planning in these appeals preserve the strength of the institutional decision, with its pooling of specialist knowledges, at the same time that it points to the solution of the basic problem of administrative law today—that of reconciling the public interest in the efficient execution of a particular policy with the equally public interest in the preservation of the rights of the individual.

¹ The writer wishes to thank Dean Erwin N. Griswold of the Harvard Law School and the Harvard Corporation for the grant of a Sheldon Fellowship for the study of planning legislation.

PUBLIC ADMINISTRATION

² I use the word "Ministry" here to indicate the unique quality of an administrative decision, i.e. it is a group decision arrived at by a host of individuals though nominally issued in the name of the political head of the Department. The Minister sees the important decisions, sometimes even unimportant ones, when he feels particularly interested in a certain subject, but there does not appear to be any fixed routine whereby the Minister reviews decisions.

³ S.38 of the T. & C.P. Act, 1932, incorporated the relevant provisions of the Public Health Act, 1875, relating to the powers conferred on an inspector. This was repealed by the Local Government Act, 1933 (11th Schedule, Part IV) and the London Government Act, 1939 (S.207). Sub-sections (2) to (5) of Section 290 of the Local Government Act, 1933, which relates to the giving of evidence on, and defraying the costs of, local inquiries, was incorporated in S.51 of the T. and C.P. Act, 1944. The same sub-sections are also found in S.104 of the 1947 Act.

⁴ For general discussion see: Stephens, *Administrative Tribunals and the Rules of Evidence* (1933) and Davis, *An Approach to Problems of Evidence in the Administrative Process* (55 Harvard Law Review 364 (1942)).

⁵ cf. Henderson, *Federal Trade Commission* (1924), p. 64. "So far as I have been able to find, the commission itself has never refused to give effect to the testimony on the ground that it is technically incompetent; nor have questions of the law of evidence played any part in the cases on appeal."

⁶ C. K. Allen, *Law and Orders* (1945), p. 149.

⁷ cf. W. A. Robson, *Justice and Administrative Law* (2nd Edition, 1947), p. 479.

⁸ For an interesting sample see Winter, "The Evolution of the Lawyer-Administrator of the Twentieth Century." *PUBLIC ADMINISTRATION* (1935), p. 366.



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O & M—How it all began

IN the Spring, 1948, number of PUBLIC ADMINISTRATION there appeared an article by Mr. I. J. Pitman in which he reviewed the history and developments of O and M in the Civil Service and commented on the recommendations of the Fifth Report from the Select Committee on Estimates 1946/47. Dealing with the history of O and M, Mr. Pitman wrote :

"The Office Machines Section of the Treasury, founded in 1919, was historically the beginning of O and M, but it was a beginning arising from the Treasury control of expenditure. If in a Department's estimates there was a proposal for expenditure on an office machine, it was clearly desirable that the proposal should be considered by office machine specialists rather than by the officers of the division of the Treasury handling the ordinary estimates for that department. Even so, these specialists interpolated along with their primary duty of Treasury control on expenditure a parallel function of positive recommendation of additional expenditure authorised on their initiative as a net economy."

This article in PUBLIC ADMINISTRATION has been widely read and some of the people who were closely concerned in these early developments have disputed the strict accuracy of the paragraph quoted above and, in particular, the statement that the setting up of the Office Machines Section of the Treasury arose from the Treasury control of expenditure. Not all those who had been associated with the setting up of the Section could agree on the details of its origin. Some research has therefore been made into old records in order to try and establish the true facts. Eventually, the "relevant papers" were tracked down and the following facts established.

Towards the end of the first World War there was set up an official committee to enquire into the "Organisation and Staffing of Government Offices." The Chairman of the committee was Sir John Bradbury and, as is the fashion, the committee came to be known as the Bradbury Committee. The committee

made a number of interim reports and in 1919 it produced a final report in which were made a number of recommendations "in regard to the measures which should in our opinion be taken to secure better organisation and to effect economies in numbers and cost and to prevent overlapping." It was this report which recommended the setting up in each department of an establishment branch and the creation of the post now known as Establishment and Organisation Officer. It is interesting to read again this report and to be reminded of the functions and responsibilities which, from the beginning, were to be attached to the post of Establishment Officer.

The report also recommended the setting up of an Establishments Division in the Treasury and set out in some detail its functions and responsibilities. Under this heading there is a separate paragraph recommending a "special enquiry into registry and accounting methods and the use of labour-saving machinery." The paragraph reads as follows :—

"23. *Special enquiry into Registry and Accounting methods and the use of Labour-saving Machinery.*—There are, however, certain branches of office work which require special attention. The administrative staff in any department is comparatively small; a large proportion of the employees are engaged in more or less routine operations required to prepare material for decisions or to give effect to those decisions. So long as this work is done accurately, the administrative Officers are not likely to pay much attention to the methods adopted; yet it is precisely from those methods that waste mainly arises. This is particularly the case in regard to Registry and Recording systems which our Reports show to be a most frequent cause of excessive staffing, both in the new departments and in some of the permanent departments. A Government Department is bound to keep more careful records of its correspondence than would be required from an ordinary commercial house, and the Registries

and Recording Branches are, in a sense, one of the most vital parts of the Office; but when the staff for this purpose is untrained and the organisation improvised, the amount of docketing, filing and card indexing of correspondence becomes wholly excessive. We think that one of the first duties of the proposed Establishment Division of the Treasury should be to set on foot a systematic enquiry into the various methods now in use and to formulate some general principles and, if possible, some specific system or systems which could be adopted (with such modification as the subject-matter dealt with necessitates) by all departments. Similarly, there is much scope for standardisation of methods between the Accounts Branches of the different departments, where at present there appear to be wide differences in output in strictly comparable items of work. Generally, too, our inspections have shown the need for the further use of labour-saving devices, and although in many departments the ordinary calculating and addressograph machines are fairly frequently used, a more systematic investigation of the office methods adopted by the different departments and wider circulation of information

as to other machines for routine work would, in our opinion, fully justify itself. It appears to us that the Treasury Establishment Division should have attached to it two or three specialists with expert knowledge, who could advise departments on these aspects of their office organisation."

It is clear from this that what came to be known as the Office Machines Section of the Treasury was from the beginning conceived as an advisory service to departments and although it was obviously the intention that the work of the Section should contribute to economy in both money and manpower, it was not so closely linked with the Treasury's control of expenditure as Mr. Pitman's article suggests. As time went on it was perhaps a natural development that demands for office machinery from departments were passed to the Office Machines Section for their expert views and this, in a sense, did link the Section with other parts of the Treasury whose primary concern was control of expenditure. But this development, which extended into the early days of the last war, was never allowed to obscure the main objective of the Section, which was to encourage and advise departments in the extended use of labour-saving office machinery.

Administrative Staff College

At the meeting of the British Institute of Management on 16th November, Mr. Noel Hall read a paper on The Staff College in Training for Management, in which he dealt with the first year's experience of the Administrative Staff College at Henley, of which he is the Director. In the three 12-week sessions held in 1948, the College handled nearly 130 members. By far the greater part came from private industry; none came from the trade union movement; two came from local government; 16 came from central Departments (but half of these were service personnel); and 11 came from the new nationalised industries. The background of the members attending is of special importance because the main method of teaching is by

working group (or "syndicate") of eight or nine members, which can only be fully effective if the range of experience of the group is sufficiently wide and varied. The average age of the members attending has been about 37 years. The syndicates are required to work through a series of specific tasks which are arranged in five main groups—"The first and last of these are general surveys, while the second, third and fourth are devoted respectively to internal organisation and administration, to external relations and to constructive administration in the mastery of changing circumstances." Each syndicate is also required to study the life of two personalities who have made a mark in an important field of affairs.

Public Administration in New Zealand

WITH its March, 1948, issue, the *Journal of Public Administration*, organ of the New Zealand Institute of Public Administration, completes its first ten years of publication. The Institute itself was founded in 1936. This March issue continues the high standard set by its predecessors. It is a great tribute to Mr. F. B. Stephens, who this year is both Editor of the *Journal* and President of the Institute, and to his colleagues, that the study of public administration should be so active in New Zealand and that a journal of this quality should regularly be published and read all over the world.

As usual, most of the matters discussed have their counterpart in this country. In the March issue, for example, Mr. M. J. Moriarty deals with the Dairy Products Marketing Commission Act, 1947, in the light of the developments which have taken place since 1923, when the first marketing control Act was passed. One of the many points of interest which emerges is the attempt in the Act to find a formula which, while making the Marketing Commission subject to the Minister on matters of general policy, will safeguard it from political interference in its day-to-day affairs. The article also mentions the possibility that this new form of marketing organisation may be extended to other primary industries. Other articles deal with the Information Services of the New Zealand Government and the Staff Organisations of the Railways Department and of the Post and Telegraph Department. By staff organisation is meant the system of personnel administration—recruitment, training, etc. Incidentally, the state-owned railways are under a Minister of Railways and a General Manager—the latter “under the control of the Minister” being “charged with the administration of the principal Act.”

The Minister may delegate to the General Manager such of his statutory powers as he thinks fit. No public corporation here—and not the ordinary Departmental set-up either!

The remainder of the *Journal* is devoted to a history of the Institute and of the developments in University courses in public administration in New Zealand. It is not easy to assess the importance of these developments without a fuller knowledge of the public services in New Zealand and of the standard reached in the Diploma. But it is clear that the same kind of stock-taking has been taking place as there has been here. The new holder of the Chair of Political Science and Public Administration at Victoria University College, Wellington—Professor R. S. Parker—has an interesting problem to tackle in what appears to be an atmosphere favourable to experiment.

The historical part recalls that the founders of the New Zealand Institute considered in 1936 the possibility of becoming a Group of the British Institute but decided against it on the grounds that such an arrangement would involve having three grades of members and charging a higher subscription than was then thought feasible. We always thought this to be rather a sad decision, for though it has never been found easy to maintain a close link between the Groups in the Dominions and the Institute in this country, nevertheless there was at least the British *Journal*, which circulated to everybody. The three-tier membership has now disappeared and the constitutional provisions governing overseas Groups were changed last year. We wonder whether these changes would alter the decision were the question ever to be considered afresh in New Zealand.

D. N. C.

Reviews

The Development of Local Government

By W. A. Robson. (2nd Edition) (Allen & Unwin.) Pp. 376 18s.

THE first edition of this book was published in 1931. During the intervening seventeen years a great deal has happened in local government. The second edition achieves revision by the insertion of a 50-page Prologue headed "Local Government in Crisis." For the rest revision has been confined to the minimum of unavoidable corrections and the only main piece of rewriting has been in the section dealing with the Local Government Service. Unfortunately the revision was completed before the publication of the 1947 report of the Local Government Boundary Commission and before the introduction of the Local Government Bill of the same year.

To those familiar with the earlier edition main interest will centre on the views expressed in the Prologue. Here Professor Robson develops the thesis that English local government has suffered a serious blow under the legislation and administration of the last few years, it has lost many services either to the central Departments or to the new public corporations and its remaining functions have been brought even further under central control. A leading Fabian himself, Professor Robson finds it particularly distressing to contrast the views of the Webbs as to the wide scope and possibilities of local government with the actions of the Labour Government. Why have these changes, inimical to local government, come about? The reasons, says the author, are clear—"For more than thirty years the organisation of local government has been growing obsolete and is now hopelessly out of date. Far larger units of administration are required..." He therefore turns his attention to the task—beloved by all writers on local government—of showing how the present structure should be changed. In the course of this he takes to task the Associations of Local Authorities for not having proposed

radical changes and the present Minister of Health for his address to the Association of Municipal Corporations in September, 1946—"a model of evasion." The solution favoured by Professor Robson is the establishment of a series of directly-elected regional councils with a second tier of authorities administering the local services. Unfortunately he does not develop his ideas in any detail. He says, however, that he is mainly concerned with the situation in the large conurbations, e.g. South-East Lancashire, where he is no longer attracted to his earlier idea of relying upon joint working between the County and the many County Borough Councils involved.

Few would question a good deal of what Professor Robson says. But does he not greatly oversimplify his diagnosis? Does he seriously suggest that if a series of South-East Lancashire, Merseyside, Tyneside, etc. County Councils were constituted that everything would suddenly become right? I doubt whether he really believes this, and indeed there are several reasons against any such belief:

(1) The fundamental weakness of local government is the lack of variety of local taxes which would greatly increase the independent resources of all the authorities. The rise in the amount of Government grants is not due to the poverty of a few distressed areas, nor, as Professor Robson appears to suggest, to the stupidity of the local councils. It is due to the conscious or unconscious policy of Parliament and of successive Governments in not providing local sources of revenue which kept pace with the increasing services they placed on those authorities. No redrawing of local authority boundaries can ignore that fact. Did not the *Economist*, for example, advocate the nationalisation

of the local health services on the ground that being thus relieved of such a large block of rate expenditure, the local authorities would be better able to finance their remaining services. Unfortunately, Professor Robson has little or nothing to say about local finance.

(2) So far as central control is concerned one would feel more assured if the Departments discriminated between major authorities such as the Lancashire, London and Middlesex County Councils—to name but three—and the music-hall-joke places known as Little Muddelcombe, etc. But there is no statutory relaxation of the central powers exercisable over these major authorities, nor is there any administrative let-up so far as one can see. How, then, can one assume that the central Departments would adopt a completely changed attitude if new regional-elected bodies were established?

(3) Are not the happenings of the past three years but one aspect of the great centralisation bug which has bitten Whitehall? Irrespective of the merits of the case, or of the varying circumstances of different services, reform and reorganisation is nowadays taken in Whitehall to mean centralisation. The attitude is not confined to local government—the Departments take the same standpoint as regards industry and even voluntary organisations. In part it is but an aspect of the belief in central planning, of the

simple faith, now rather shaken, that nothing can be ordered and correct unless it has been approved by some civil servant. The increasing admiration for uniformity has also been a potent factor.

In the case of local government this tendency has undoubtedly been strengthened by the belief in some quarters that local government was very much less efficient than central government. There are, of course, many criticisms which can be made of the present local government system. But has not the criticism created an unbalanced view of the relative merits of central and local government? The academic friends of local government have spent their time analysing in great detail its defects and engaging in great schemes of reform. Even Professor Robson, in this volume, says of local government, "The present system is rapidly disintegrating through the loss of functions and through being by-passed in regard to new activities. This process is occurring because the structure is ramshackle and obsolete." Are these the studied words of a trained lawyer and political scientist? Do they really describe precisely a situation in which day by day a great variety of essential local services are being cheaply and efficiently provided by all classes of local authorities or even apply to the County Councils whose functions are now very much heavier than they were twenty years ago? Are we not in danger of getting the picture a little out of perspective?

D. N. C.

Councils and their Schools—P.E.P. Broadsheets 1 & 2

WITHIN small compass, these pamphlets provide substantial material for thought and discussion. The whole framework of administration is reviewed in the light of the requirements of the Education Act, 1944, and its place in the democratic structure of government. Inevitably, the temporary shortage of materials and manpower has imposed a greater central control upon Local Education Authorities, but beyond this, and more permanently, it is probably true to say

that the "relationship between the Central Departments and the Local Education Authorities has been significantly altered," and that when the Board changed to the Ministry, it became "less of an advisory and more of an executive agency." Nevertheless, scope for local initiative remains and the administrative provisions of the Act offer an opportunity to effect greater decentralisation and a closer relationship between the Schools and the community.

It is wisely said that "no healthy democracy could tolerate that so vital an activity of government should be divorced from public control." The pamphlets analyse with some thoroughness the participation of various members of the community in educational administration on the local level. Most L.E.A.'s accept the principle of co-option suggested as desirable, though not obligatory by the 1944 Act, although in fact co-opted members are often drawn from inside the Council and the field of representation is not therefore widened. It is suggested that the best method is to allow nomination by specific groups of outside organisations, and that it would be wise to provide for the inclusion of members of parents' associations since "parents have the strongest vested interest in education." It is remarkable to note that no single Education Committee in England or Wales has made this a specific part of its constitution.

The extent to which Divisional Executives have been utilised will be a matter of great interest to all students of public administration. G. D. H. Cole, in "Local and Regional Government," points out the "need for preserving and for recreating really small-scale agencies . . . closely related to the everyday lives of the people." The Divisional executive, which might at least have been a step in this direction, is, as the broadsheet indicates, one of the most controversial features of the 1944 Act. The intention of the Ministry was to retain, by this means, "the inspiration to be derived from more immediate local interest and local initiative." In all, 38 counties have set up such schemes, but of these only ten cover the whole area. It is perhaps too early to attempt to assess their work and value but, when the time is ripe to do this, such an assessment will be of considerable administrative importance. Obviously, the value will depend upon whether the County Committee is prepared to allow a real measure of autonomy, although this must necessarily be within a limited field, or whether the executive is treated

as an "advisory Sub-committee closely controlled by County Hall." The Divisional executive certainly offers the possibility of making the machinery of education in county areas less remote.

Two final aspects of the framework of administration are discussed: governing or managerial bodies and the relationship between parents and teachers. The Act prescribes a body of Governors for every secondary school, of whatever type, and a body of Managers for primary schools, but, as the pamphlet indicates, the "distinction remains traditional rather than logical and there is a strong case for removing it," particularly as the difference appears to be only in the requirement that the Instrument and Articles of Government which are applicable to secondary schools need the approval of the Ministry. The real value of such bodies is, of course, to secure that personal knowledge of the individual school which the Education Authority cannot by itself hope to have, and the Ministry indicates that the interests of the teaching staff as well as of parents and old scholars should be reflected in them. Where there are no divisional executives, these school bodies are the only local agents of the authorities. Where such an executive exists, the relationship between the three-tier system of administration obviously needs careful definition.

The last section of all will probably be of most general interest: the broadsheet has much of value to say on the matter of Parent and Parent-Teacher associations. Home, school and neighbourhood relationships have frequently to be developed in difficult circumstances, but if the school is to achieve its best work and really fit children for citizenship, they are vital. The contribution which parents as well as other members of the community can and ought to make is rightly stressed: "many ordinary people—not only educational experts or devoted politicians—have something to say, and in a democratic community there ought to be some way of saying it effectively."

M. A. B. JONES.

Crown Proceedings

By GLANVILLE WILLIAMS. (Stevens.) Pp. 157 12s. 6d.

DR. GLANVILLE WILLIAMS has written what is likely to become the standard work on civil proceedings by and against the Crown as they are affected by the Crown Proceedings Act 1947. A valuable feature of this book is his criticism of the new law. He shews how the draftsmen of the act are responsible for unnecessary doubts about its interpretation. Moreover a knowledge of the former law about suing the Crown is still required. A remedy is given against the Crown in contrast in cases where before the act a petition of right could have been brought. It is therefore necessary to know where formerly a petition of right lay. The act does not apply to proceedings by or against the Sovereign in his private capacity. Consequently all the mysteries of Latin and English informations, copias and respondendum and other privileges which the Crown had are retained in the law for no good reason that one can see. The effect of this and other drafting oddities is, however, to prevent that simplification of the law which it was one of the objects of the act to secure.

Another important subject dealt with by Dr. Williams is the position in law of the new public corporations. These may be divided into commercial and social service corporations, such as the National Coal Board on the one hand and regional hospital boards on the other. After a careful analysis of these bodies Dr. Williams concludes that none of them are servants of the Crown and all are therefore liable in tort as in-

dependent Corporations and not as provided by the act in respect of torts committed by or on behalf of the Crown. The difference is important because the act does not abolish the doctrine that the King can do no wrong but only makes the Crown liable for tort in four cases, which, however, probably cover the vast majority of claims.

This book has a particular importance for civil servants and employees of government bodies and should be in the hands of all their advisers. For instance, are servants of the Central Land Board servants of the Crown? The question is important because servants of the Crown can be dismissed at will. Dr. Williams considers these and related problems with a clarity which is only too rare in legal authors.

Another important chapter on the Crown as employer criticises the law which takes away from civil servants the ordinary contractual rights of notice before dismissal or reduction of pay. The author shews how these rules even prevent the Crown from giving security of tenure, similar to that of judges, to members of administrative tribunals.

A County Court judge is reported recently to have decided that railway cottages were now Crown property and so exempt from the Rent Restrictions Acts. If he had been acquainted with Dr. Williams's book this decision would have been inconceivable.

ROBERT S. W. POLLARD

Parliamentary Representation

By J. F. S. ROSS. (Eyre & Spottiswoode.) 15s.

THIS is the second edition of a fascinating and valuable book. To the 1943 edition's analysis of the age and social structure of the inter-war Parliaments, discussion of its causes and effects, and scheme of reform, Dr. Ross

has added a similar analysis of the present House of Commons.

He presents a mass of statistical information about our M.P.s and shows that the average M.P. of the inter-war years was 8½ years older than the

average elector, educated at exclusive schools, and a member of the upper or middle classes. The new House is less different in composition from the electorate, since the Labour victory has given it many more members of the working and lower-middle classes. Dr. Ross does not deal with the most striking disparity between Parliament and the electorate—the former is almost wholly male and the latter half female.

Dr. Ross warns us that a socially unrepresentative House is not necessarily a bad one, but this warning is counteracted by the whole trend of the influence of his material and by the fact that he proposes reforms to prevent the perpetuation of this type of House. It is unfortunate that he has not shown how M.P.s performed their duties—their voting and speaking records in the whole House and its committees. Such data are as important as data of social origin for judging M.P.s. We must beware of the determinism which analyses like the present tend to induce—Sir O. Mosley and Mr. D. N. Pritt are both Wykehamists but their political records are rather different. How we would like psychological reports on our rulers! But we cannot blame Dr. Ross for failing to provide them!

To improve the composition of the House Dr. Ross proposed to make it less expensive to be a candidate and a member, since he rightly thinks that our present electoral regulations favour the wealthy, who are not always the wise, and the nominees of the trade unions. Part III contains some other interesting suggestions.

It is to proportional representation by the single transferable vote that Dr. Ross looks for a sure remedy for many of our ills. He wants to deal not only with the quality of the House but also with its political unrepresentativeness. That P.R. would give us M.P.s of better quality is doubtful—by greatly decreasing the turnover of seats at elections it would make more seats safe ones to be filled by the party hacks

Dr. Ross denounces. That P.R. would end the present disproportionate representation of the political opinions of the electorate is not doubtful. But that disproportionate representation is not the unjust and incalculable gamble that Dr. Ross says it is. The party with most votes gets most seats and the relation of seats to votes can be forecast (see *The British General Election of 1945*, by R. B. McCallum). Moreover, is P.R. as desirable as Dr. Ross claims? Very possibly it would yield a House composed of several parties each without a majority of its own and reluctant to co-operate effectively with the others. P.R. has not been an "indisputable success" in Eire, for after each of the elections of 1927, 1932, 1937 and 1943 the Dail was composed of unco-operative minority parties and had to be dissolved within a year.

Dr. Ross mistakes the nature of the British political system, which is based less on the transmission of opinions by the people to Parliament and by Parliament to the government, than on the choice by the people between a government and an opposition each of which frames its policy and programme in accordance with the opinions of its supporters. Our electoral system fulfils the needs of such a political system by giving to the party with most popular support an adequate power in Parliament. P.R. would be a preparation for a new political system rather than a reform of our electoral machinery. Yet, as Dr. Ross and others have urged, at present Parliamentary majorities are often dangerously large. The introduction of P.R. into a number of constituencies might give us the advantages of P.R. and our own system and the disadvantages of neither.

These criticisms must not be taken as a denial of the value Dr. Ross's data and of the stimulating nature of his views. It is to be hoped that we shall have a new edition of his book after the next election.

PETER CAMPBELL.

Social Security

Edited by W. A. ROBSON. (Allen & Unwin.) Revised Third Edition 1948.
Pp. 475. 18s.

IN this new edition (earlier editions appeared in 1943 and 1945) the detail has been brought up to date and Lord Beveridge has contributed an Epilogue in which he compares the recommendation of his Report with the schemes as embodied in legislation. The book went to press in March, 1947, and so rapid have been the developments in this field that it inevitably presents an antediluvian appearance; for it does not discuss the new legislation although Professor Robson makes some reference to it in the preface and introduction.

Three points are given prominence by both Professor Robson and Lord Beveridge. These concern rent, the level of contributions, and the relative treatment of children and the aged. All these matters are likely to provoke interest in the future. The rent problem is well known, but is no nearer solution for all that. If we are to have flat rates of benefits and pensions then rates must be inadequate for all recipients whose actual rent payments exceed the notional rent element on which the benefit is based. Rents range from 2s. 6d. (Scotland) to 30s. and more in London. The Fabian Society and the Association of Municipal Corporations contended in their submissions to the Beveridge Committee that rates of benefit should include a notional rent element, but that all recipients could claim an addition based on actual rent paid. This proposal was rejected in the Beveridge Report and in the Epilogue of the work under review Lord Beveridge contends, with justification, that the Fabian Society has not fully appreciated the objections to their scheme. The present scheme certainly does not give freedom from want to those paying the higher rents, but they can apply for supplementary assistance to meet their higher rents. Under the Fabian proposals they would have received an addition on account of the high rent, but in order to prevent old people from exerting full pressure in the demand for the higher rented accommodation, the addition in respect of them

was to be limited to only 25 per cent. more than the assumed rent liability. This is a device for drawing the line in a different place; it would reduce the size of the problem, but, of course, it does not solve the problem. Nevertheless, we ought not to assume that the present method of dealing with rent variations has any intrinsic merit over other methods and in a changed housing situation there would be a good case for re-examining what has been done.

The second major issue discussed by Lord Beveridge is the level of contributions. These are high and we shall look forward to statistics about the contributions actually paid by the self-employed and the very small employer. Certainly the contributions are so high that the government conceived it to be necessary to abate income tax in phase with the levying of the new contributions so that the full effect of the increased rates would not be felt in all its harshness. The rates are higher than Beveridge proposed chiefly because the Government has increased retirement pensions in one lump. But having said that 9s. 5d. a week (4s. 4d. from the employer, 5s. 1d. from the employee) is a big outlay for each man employed, it must be admitted that the payment of it during the six months in which the scheme has been in operation has been generally accepted. Perhaps this explains why the Beveridge Report so captured the public imagination—people want security and are prepared to pay for it.

Without doubt, we are paying far more for security for the aged than we are investing in the young. As Professor Robson points out in the preface, pensions are costing some £280 million in a year, rising to £450 million in 20 years' time, while children's allowances, together with the expenditure on services provided in kind, cost only £110 million without any automatic increase. The "family allowance scheme provides for a family of three children a sum of 10s. a week, subject to income tax which would, at present rates, leave a net weekly sum

of 5s. 6d. to the parents." Professor Robson, and others in the book, point out that "The young dependants will eventually repay to the community during the years of their economic productivity all that they have consumed and more . . . The wealth, happiness and welfare of the aged is an end in itself and cannot be justified from the standpoint of present and future economic productivity."

It is a great pity that this book had to be republished in substantially the form in which it appeared in 1943. But such is the delay in publishing today that even with the small changes which have been made the book took over 18 months from

the time when it left the hands of the editor until it appeared in the bookshops. I do not know whether a new book would have taken longer in the press or not; but the result is a book conceived in the manner of a novel in which the main character never appears, but makes his presence felt by his impress on others and on circumstances. Here we have social security without the National Insurance Act, the Family Allowance Act, the National Health Service Acts; and the Industrial Injuries Act is disposed of in a short postscript to the chapter on Workman's Compensation.

GEORGE LACH.

Costing for Control

By J. H. BURTON, F.S.A.A. (Gee and Co.) 12s. 6d.

THE Author's use of the word "control" both in the title and prefatory note is vague. The prefatory note states that the book is intended for the industrialist and high executive and that it offers a survey of costing of the type needed for control. It might reasonably have been expected, therefore, that the book would deal with the use of Costing as a tool of management in ensuring effective control at all stages of an undertaking, whether it was producing manufactured articles or was providing a service. These high hopes are not, however, fulfilled. Mr. Burton's view of control does not go beyond explaining the need for a proper costing system and the corollaries of such a system in the shape of control of stores, economical purchasing, centralisation of costing records, etc.

The book is divided into two parts: Part I—Direct Control, dealing with the needs and application of costing; Part II—Ancillary factors in Control, which consists principally of the need for proper inventories, etc.

There are less than 80 pages of text, but even so a certain amount of repetition creeps in, and reference is made to unimportant detail. One would hardly expect so experienced an author as Mr.

Burton to expose himself to the charge of lack of balance in a publication, nevertheless he devotes six precious pages to an ingenious American Stock fraud, whilst budgetary control is "dealt" with in two pages. Much space is devoted to the function of the Auditor, which appears to be irrelevant, and passing reference only is made to "Standard" costing. There is no attempt to outline recent developments of the latter and other costing techniques which are being devised in order to give managements prompt information on which to base decisions, and to ensure that full value is being received for expenditure incurred. The Author rightly emphasises the need for accuracy, but meticulous accuracy must sometimes be sacrificed for speed. In a world of rapidly-changing money values a discussion of the use of "real" costs would have been helpful to the industrialist.

The book might have taken the opportunity to treat the subject in a manner which would have shown how management might obtain greater effectiveness through the use of brain-power.

H. HAYHOW.

B.B.C.—Annual Report, 1947-48

THE Annual Report and Accounts for 1947-48 (Cmd 7506) of this monopoly and public corporation contains 28 pages. It is a dull, unambitious and uninspired document, quite unworthy of a public body of such widespread influence and importance, spending £11 million, having over 11,000 staff and being the largest provider of lectures and entertainment. The report is built up of snippets of information—it is composed throughout of short paragraphs reminiscent of the News from Everywhere column which appears in some newspapers. For example:—

“ True stories of courage, under the title ‘The Undeclared,’ provided exciting entertainment together with a reassuring reminder of national character and qualities.” Or again,

“ The daily serial ‘The Robinson Family,’ an old wartime favourite, was replaced by a weekly half-hour programme — ‘The Street We Live In.’”

Processes of Organisation and Management

Edited by CATHERYN SECKER-HUDSON (Public Affairs Press, Washington, 1948). Pp. viii + 281 \$3.75.

THE Editor, Chairman of the Department of Public Administration at the American University, has assembled twenty-four articles and lectures composed by a number of different people at intervals between 1886 and 1947. The purpose of this collection is laudable—to preserve thinking that, having been published in magazines, was in danger of fading from sight, as is the manner of such articles, and make it generally accessible. Naturally the authors could not collaborate, for their writing was not designed to form part of a reasoned thesis on “Organisation and Management,” but the Editor has chosen wisely, so that there is little contradiction in meaning. It is a book into which to dip for a refresher from Russell Robb, who once gave three lectures at Harvard, a stimulant from Donald Stone, lately of the Bureau of the Budget, a reminder to give honour where honour is due,

No doubt the report will be highly welcome to the popular historian of broadcasting in twenty years time when, for example, he wishes to find out the date of Princess Margaret's first broadcast. But the M.P. or other interested reader will find no discussion of general policy and little or no indication of how the Board sees its job, of how it is organised, of its relations with the Government and the Foreign Office, etc. No use is made of the most interesting data collected by the Listener Research Department and so one is unable to evaluate the popularity of different programmes. The comments on the accounts are almost equally uninformative.

This is the report of a Board which is either timid and afraid of any limelight on its affairs, or not aware of its obligation to report fully to the public. Perhaps it will learn something from the Boards of the new nationalised industries.

D. N. C.

from Person of the Taylor Society, and some good professorial thinking by Appleby, Fish and Dimock. The Bureau of the Budget contributes some highly detailed analyses. All the articles deserve comment, but, in this country, space is rationed and this review concentrates upon some of the chapters which seem to hold a particular interest for students of Public Administration.

Woodrow Wilson's article, written in 1886, put forward a claim for *the study of administration*—“a neglected subject in that all political writers thought, argued, dogmatised only about the constitution of government; about the nature of the state, the essence and seat of sovereignty, popular power and kingly prerogative; about the greatest meanings lying at the heart of government and the high ends set before the purpose of government. The question

was always who shall make law, and what shall that law be? The other question, how law should be administered with enlightenment, with equity, with speed and without friction, was put aside as 'practical detail' which clerks could arrange after doctors had agreed upon principles."

Paul Appleby, sixty years later, calls for better public administration, but he has something to contribute towards the "practical detail" of some sides of the work—the need to subordinate administration to political policy, to orient administration toward the general policy situation of the time, subordinating the technical to the general and to the political, under joint criteria of political efficiency and of operating efficiency. He analyses some of the forces, the variables within which, or despite which, administrative policies have to be formed and administrative decisions taken—the pulls and propulsions: forces of self interest, of idealism and aspiration; of habit, convention, and prejudice, of personalities at their various vantage points; organisational forces; forces of organised sentiment; forces that seem to be expressions of impersonal conditions, time and place; intra governmental and extra governmental forces. Picturesquely he calls the place where these forces meet "the battleground of administration." He points a moral and lays some emphasis upon the need for public administration to orient itself towards the social sum of all the relevant factors in the situation.

In a second article Appleby builds up a strong case for machinery to ensure or facilitate a sense of collective responsibility on the part of the Heads of Federal Departments of State and he underlines the increasing need for the political head and his administrators to be able to think in whole terms encompassing all of the elements of the scene, all of the relationships. He fears and remarks a tendency to think in too highly specialized ways.

Henry Niles, author and office economist, takes a dip into the sea of "principles," but limits his "general

truths" to eleven and these he tapers off gradually into what he dubs "Folklore." The Editor propounds twelve more major principles each with its family of minors; two more authors have many principles for the administrators and we have to turn to Russell Robb, business man, for the refreshing reminder that organisation and administration are conditioned not by principles, but by the purposes served and the environment in which both operate.

Perhaps this writer, who is represented by three articles, is the most important "find." He feels it necessary to treat administration almost as a function in itself; to choose administrators for their power of initiation, for their sense of proportion, for their ability to pick the essential, and to supplement them with organisation that brings to them the conclusions of the expert in the finer details of the parts. The mechanism through which the administrative officers gather their knowledge about the progress and the working of the organisation, and the means by which they co-ordinate the parts and carry out their policy of procedure, vary with the plan on which the structure is built. He sees an important question in the extent to which functional organisation shall be carried. It is broadly true, he says, that as one divides into independent subdivisions, instead of by functions, the grasp of situations as a whole is strengthened, there is greater ease of co-ordination, the facility of control and direction is increased; and it is also broadly true that as one divides according to functions, economy of effort and quality of work are secured. Yet the loss on account of difficulties of co-ordination sometimes more than counterbalances any advantage from economy that can come from functional division. When we talk about functional organisation and organisation for broad grasp and control, we are not discussing two radically different types, two "schools" of organisation; we are only discussing the advisable bounds of duties. These bounds are sometimes drawn about

territories or about parts that are similar to the whole in their structure ; sometimes they are drawn about functions that are a part of the whole. Whether, for effective administration, it is best to draw these bounds in one way or the other, depends upon the independence of what we include in a group.

In his third paper Robb re-emphasises that organisation is but a means to an end ; it provides a method. It can never take the place of business judgement, or intuitive sense of what is wise to do, or vigorous initiative that sets things in motion ; but it can help to secure these by relieving from detail those who must exercise the judgement, and by bringing to them the premises they need ; and it can help the execution by providing orderly procedure for carrying out the action that is determined upon. Russell Robb gave these lectures at Harvard in 1910!

Marshall Dimock, sounds a warning of the danger of administrative overwork unless the official observes a reasonable time schedule and takes care of himself. "There is an arithmetic about the expenditure of human energy. The man who works beyond the normal number of hours must expect a physical let-down during which his accomplishment will be reduced and if it continues he may expect to pay

Managers, Men & Morale

By WILFRED B. D. BROWN and WINIFRED RAPHAEL. (Macdonald & Evans 1948.) Pp. 163.

THE authors state their purpose in these words : "This book is a small contribution towards the task of supplying management with scientific foundations" but I am sure that few readers would realise at the end that this purpose had been achieved ; for the book is packed with common sense, free of jargon, and throughout animated by a spirit of sweet reasonableness.

The concluding chapter sets out certain targets for management and these are worth quoting in full for several reasons :

for it later." The thesis is that efficient organisation may save a mental breakdown just as delegation may remove its cause.

For those seeking "know-how," the U.S. Bureau of the Budget contributes its outline of survey principles and practices—a minutely worked out *vade mecum* for the analyst or investigator. These constitute the official teaching notes used at conferences on organisation and methods in the States and are extremely thorough. In much more brief form the Bureau also contributes an analysis of management.

Much has necessarily been omitted from the review of a book whose content is wide enough for twenty four books, whose value is to the student primarily, but also to the investigator. There is a chapter on human qualities, others on delegation and on management controls and last, but not least, Harlow Person's acknowledgement of the debt owed to F. W. Taylor. It may be objected that in this book there is nothing said that has not been said before ; that the administrator who understands his subject practices all these "principles" without necessarily having consciously paid tribute to them. To such an objector the formalisation of the common sense which lies behind these articles may yet have interest.

G. E. MILWARD.

A. "The establishment of a formal pattern of organisation on a code such as this :

1. There shall be one chief executive in every organisation who shall be responsible for carrying out the policy laid down by the governing authority. He shall be a full-time worker in the organisation and shall possess all the authority needed to implement policy.

2. The duties and responsibilities of each executive shall be defined and made known in general terms to every member of the organisation.

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3. The number of persons controlled by any one executive shall be limited to those with whom he can maintain frequent contact and amongst whom he can maintain co-operation.

4. The functional authority of all those carrying responsibility for special functions shall be clearly explained to everyone in the organisation.

5. Specialists or functional managers shall, within the span of their special knowledge, have the right to prescribe to executive managers on methods and techniques. They shall have the right to appeal to the executive manager, to whom they are themselves responsible, to endorse their prescriptions with executive authority, if those to whom their prescriptions are given fail to carry them out.

6. No man shall be executively responsible to more than one person.

7. No man shall give orders to anyone except those who are his immediate subordinates.

8. Diagrams clearly showing the relationship of workers to authority, and of one executive to another, shall be exhibited in the organisation."

B. "The adoption of a code governing the manning of the organisation.

1. Only decisions made by the chief executive shall be regarded as final within the organisation. All other decisions shall be subject to the right of appeal up to the level of the chief executive if necessary. Final decisions made by the chief executive shall be subject to appeal only to outside bodies such as the Law Courts.

2. Provided that it does not conflict with the policy of the organisation, the opinion of the executive immediately responsible shall be regarded as of major importance when considering the suitability of an individual to fill a particular post.

3. Recognising that the quality of executives selected has a substantial effect upon the happiness of many people, such selection shall employ the most scientific methods available. The probable reactions of his equals and of his subordinates shall be taken into consideration by the executive responsible for selection.

4. Before resort is made to potential candidates outside the organisation, vacancies which constitute promotion shall be filled from the body of existing employees, so long as suitable candidates are available within the organisation. Such vacancies shall be advertised within the organisation.

5. The excellence of a man's performance in his existing job, or the absence of a suitable replacement for him, shall not cause management to refrain from offering promotion to posts for which he is suitable.

6. It is recognised that frustration is caused by the placing of men in jobs which leave their mental faculties under-employed. Selection procedures will endeavour to find people whose mental and physical calibre is neither too low nor too high.

7. Every executive shall draw up at least once every year a list of recommendations on each of those immediately responsible to him, and shall discuss this report with his superiors. The main purpose of such a review of each individual is to ensure that neither merit nor insufficiency will be overlooked.

8. An executive has, subject to the right of appeal, the authority to dismiss a man from his own team. Before taking this step it is his duty to confer with the Personnel Department, in order that they may explore the possibility of providing alternative occupation. The man will not be regarded as having been dismissed from the organisation as a whole until this attempt to find other jobs by the Personnel Department has failed.

9. Employees generally, through their elected representatives, shall have the right to make recommendations regarding the promotion of people within the organisation."

C. "Observing certain rules governing the economic and social aspects of organisation :

1. So long as shareholders are in receipt of a reasonable return on their investment, the surplus revenue of the organisation shall be used only in the six following ways :—

- (1) Research and development.
- (2) Betterment of working conditions.
- (3) Betterment of equipment.
- (4) Raising of wages and salaries.
- (5) Lowering the price or raising the quality of the product.
- (6) Building up a reserve fund.

The organisation shall strive unitedly to increase surplus revenue. The order of spending on different objectives must be settled by circumstances which will vary from time to time.

2. The efficiency of management shall be judged not only by the profit made, but by the following yardsticks also :—

- (1) Output per man hour compared to the results achieved by organisations carrying out similar tasks.
- (2) Comparison of the theoretical potential output with that actually achieved.
- (3) Comparison of the "labour turnover" of the organisation with that of other organisations working under similar circumstances.

3. The financial result of changes in method which increase efficiency or output shall redound to the credit of the organisation as a whole and not, in particular, to those who devise or operate the improved method.

4. Financial and statistical statements comparing results achieved with those budgeted (standard costs) shall be available to all executives

whose sphere of responsibility is large enough to warrant its treatment as a cost centre.

5. Variations in rates of pay and salaries shall take into account the results of as scientific as possible an assessment of the following factors : (a) the value of the job being done by the individual to the organisation ; (b) the value to the organisation of the personal qualities of the individual ; (c) the past usefulness of the individual ; and (d) the potential usefulness of the individual.

6. Every employee shall have the right, assisted by his representative if he so wishes, to examine the calculations which form the basis of his output standards."

D. "We submit this code as a suggestion for achieving (industrial justice) :

1. Each member of the organisation shall have the clear right of appeal to successive stages of higher executive authority, and eventually to the chief executive. Every effort shall be made (a) to encourage individuals to use these channels of appeal, (b) to prevent victimisation of those who use them.

2. When an appeal is made, the person against whose judgement the complaint is lodged shall be present as well as the appellant. The decision of the executive to whom the appeal is made shall be given in the presence of the appellant.

3. When an executive knows of a trait possessed by one of his subordinates that can be altered and which may prove detrimental to the future career of that subordinate he shall inform the latter of it.

4. An executive shall not make personal criticism of a subordinate in the presence of others.

5. There shall be an Appeal Tribunal, composed of one representative of management, one representative elected by the employees and an independent chairman, to which

purely personal issues may be taken if satisfaction through normal channels is not obtained. The majority vote of this Tribunal shall be final."

E. "A set of points governing joint consultation.

1. Each primary working group shall elect one of its number to serve with a secondary group of representatives. If warranted by the size of the organisation, each secondary group shall elect to a tertiary group of representatives, and so on. In this matter there shall be built up a hierarchy of employee representation consisting of an advisory person or body of persons to correspond to each level of executive authority.

2. Formal meetings between management advisory bodies shall take place. Due notice of these meetings shall be given to all members of the organisation or part thereof concerned, and they shall have the right to attend as spectators.

3. Management shall use these bodies as consultants in the making of their plans, so that employees become participants in the plan rather than mere executants of it.

4. Management shall take every possible step to keep these advisory bodies informed of the present situation and future plans of the organisation. No facts shall be denied to them unless it is clear that the interests of the organisation or members of it would be damaged by their publication.

5. The advisory bodies shall be encouraged by all possible means and safeguards to present freely their criticisms, suggestions and aspirations, and those of the persons they represent.

6. Advisory bodies whose advice is rejected shall have the right to have the same subject discussed between

the next level of executive authority and the corresponding advisory body of employees.

7. An executive shall, when giving instructions or intimating decisions arrived at, convey to those he commands as much information as possible of the reasons for his decision.

8. Subject to the over-riding authority of a higher executive level, nothing in the foregoing points 1 to 7 shall interfere with the rights of the executive to make final decisions concerning all matters within the orbit of his responsibility."

We must not delude ourselves that there are many managements which could say Amen to that lot; indeed I suspect that the Civil Service could utter more frequent Amens than could most other employers. Nevertheless this list of points does suggest one or two particulars in which thought on staff questions outside the public services may be running ahead of practice inside the public services.

The most striking feature of this "management code" is the insistence on the need for going the whole-hog. Joint consultation may give rise to more difficulties than it is intended to solve if the employer's side reserves to itself certain fields, labelled "policy" or "management—staff representatives keep out." Everything, even the distribution of increased revenue must be on the Agenda. I am sure that the Civil Service can well take heed of this lesson—and there is much more in the chapter on Joint Consultation which official and staff sides might well ponder.

There is, of course, room for criticism. But it is much more important for us all to know on what lines "personnel management" is developing so that our "establishments work" may be the best possible.

GEORGE LACH.

Book Notes

Labour Turnover

British Institute of Management, 1948.

THIS pamphlet is the first in a series on personnel management. Its purpose is to persuade managements to maintain a Labour Turnover Ledger in standard form and from the information acquired to supply statistics to the British Institute of Management so that the much fuller and more significant records can be built up. Labour turnover is computed according to the following formula :—

Pp. 11. 1s.

$$\frac{\text{Number of leavers in period under review}}{\text{Average number of persons employed during the same period}} \times 100$$

Monthly and yearly rates are used.

It is recommended that the statistics be analysed by departments, length of service and reasons for leaving. The British Institute of Management will make the relative information available to managements that wish to compare their own rates with those for the district or for the industry.

The Civil Service—Its Problems and Future

By E. N. Gladden. (Staples Press.) 2nd Edition. 1948. Pp. 186. 10s. 6d.

DR. GLADDEN'S book was first published in 1945 and was reviewed in these pages in the Summer Number of that year.

In the second edition a new introduction of some 17 pages, prepared in April, 1947, has been added and a footnote to this, dated Spring, 1948, re-

marks that "no substantial emendation is called for." The introduction is a competent but slight commentary on recent changes, although the lengthy treatment of staff training and the summary note on O. & M. makes one doubt whether a reasonable balance has been struck.

Visual Working Area

Organisation and Methods Division,

THIS study was made because it was necessary to have information charts to assist clerks working on calculations, with the object of finding out the best size of the charts and the best positions in which they should be placed. As the report points out, "the visual working area obviously bears on the effective layout of instruments in aircraft, loco-

H.M. Treasury.

motives, control rooms, etc., but little appears to have been recorded about it, especially in relation to clerical work." The O. & M. Division has certainly produced some interesting and useful studies on methods. We would like to see more of their studies on organisation made available.

Economics: A general text-book for Students

By Frederick Benham. 4th Edition.

Pp. XVII + 535. Pitman. 12s. 6d.

SINCE its first publication in 1938 Mr. Benham's book has achieved wide popularity, and it is undoubtedly one of the clearest expositions of the subject yet produced. This fourth edition contains a new chapter on "Post-War Economic Problems," which replaces the one on "War Economics" in the third edition issued in 1943. In it the author surveys the chief aims of post-war economic policy and how the Government is

endeavouring to achieve them. Nationalisation and control are discussed without bias, and Mr. Benham outlines the main arguments for and against without pressing too heavily his own views and prejudices. This is not a book for students only, but all those interested in economic problems (and who is not?) will find the volume an up-to-date exposition of the basic principles, at a really low price:

Management Abstracts

THE British Institute of Management has started a monthly digest of articles, published in journals in the main countries, considered to be of interest to those who wish to keep themselves informed of current developments in management. The abstracts are grouped under such headings as General Management and Organisation, Personnel and Welfare, Financial Management, Statistics, Public Administration, Education

and Training, etc. The choice is catholic and the *précis* is just full enough to give one a guide to the main purpose of the article. So far, the great majority of articles have mainly been of direct interest to business management though, of course, particularly in such matters as personnel and welfare, the public administrator cannot neglect developments in the field of private industry.

The Scottish Municipal Annual, 1948

Pp. 159. 20s.

THIS annual is issued under the patronage of the Convention of Royal Burghs, the Association of County Councils in Scotland, and Scottish Counties of Cities Association. It gives much interesting information including population, area, rateable value, rates, power costs and water rates for the Counties and Burghs, in addition to the names of the Council-

lors and Chief Officers. Surprisingly few authorities regard their librarian as worthy of mention. It is a useful reference book which justifies the publisher's claim that "at a glance the enquirer may compare the suitability for his particular purpose of the many cities and towns of Scotland."

Local Councils and the Citizen

By R. Simon. Pp. 197. (Stevens.) 5s.

THIS is a very handy, up-to-date guide to English local government law and administration. Designed very largely for the interested citizen, it is also of value to anybody who wishes to get a general view of the English system.

The author does a very good job of selection and manages to pack a great deal into a small space, but inevitably, on many matters, he cannot do more than whet the reader's appetite.

Social History of the School Meals Service

By F. LE GROS CLARK. London Council of Social Service, 1948. 2s.

THIS is an exciting account written with a reformer's fervour. The percentage of elementary school children receiving meals has shown a remarkable rise in recent years. In June, 1940 it was 2.7 per cent. but by February 1945 it had risen to 33.8 per cent. All

concerned with this gratifying increase deserve the thanks of the community. We must hope that much progress has been made during the last three years in reaching the arbitrary figure of 75 per cent. adopted by the Ministry of Education.

BOOK NOTES

Advising the Citizen : A Handbook for workers in Advice Services

Edited by CONSTANCE M. KING, National Council of Social Service (Inc.)

THIS is a most useful guide to all who are concerned with advising the citizen as to the services available to him and the best way of making the fullest use of those services. Part 1 describes the Citizens' Advice Bureaux in our Society ; Part 2 describes the work of the Citizens' Advice Bureaux, and includes chapters

on Aims and Methods, Community Service, Individual Service, the Art of Interviewing, and the value of Good Publicity. Appendices include tables showing the functions of local authorities and specimen programmes of training courses. There is also a reading list which should prove of great value.

Prisoners of War

Institute of World Polity, Washington, D.C.

THIS book is a symposium of the views of some 28 prisoners of war who were students of the Georgetown School of Foreign Service. The discussions were led by Dr. Feilchenfeld who is Director of Research at the Institute of World Polity and various officials of the American Red Cross, State Department, and the War Department, and others attended meetings of the group. The purpose was to elaborate an attitude towards the treatment of prisoners of war, based on the experience during the war which has recently ended. All this is naturally very good work, but the comment of one English prisoner of war on this book may well be quoted. "It might be recalled that U.S.A. was protecting power for British Prisoners of War from the outbreak of war in 1939 until her entry into the war in 1942. This period saw Germany master of a large

area of Europe and food was reasonably plentiful. I do not know if the U.S.A. made any representations to the Nazis during that period, but rations in the Stalag in which I was did not conform with those of German base troops. Food, clothing and accommodation all required investigation during this period. If the U.S.A. is unable to effect the minimum standards already agreed upon when acting as protecting power, how futile it is to have a minor power as protecting power." This is really the crux of the matter : not so much the elaboration of a code related to a standard of living in America or in any other country but how to secure compliance with the code. The Institute of World Polity have served a useful purpose in concentrating discussion on this subject while experience is so recent in our minds.

Current Readings in International Relations

Edited by NORMAN J. PADEL FORD. (Addison-Wesley Press Inc. Cambridge, Mass.) \$2. (\$1.50 paper bound).

THE Massachusetts Institute of Technology issue periodically a volume of Current Readings comprising articles and documents of value to students of international relations. Judged by the fourth issue which we have just received the collection will be of use to the

growing number of University and other students of this subject in this country. In this issue, the Editor regrets that insufficient materials were found to warrant a chapter on current phases of policy-making in Great Britain. Is there nothing in Hansard?

Rates and Rating

By ALBERT CREW. 11th Edition by FRANCIS JONES (Pitman.) 30s.

THE first edition of this book appeared in 1923 and until the outbreak of the War fresh editions came almost every other year. The 11th Edition makes its appearance nine years after the 10th and includes legislation up to 1946 and Court decisions to 1947. The book follows the plan laid down by the late Mr. Albert Crew, which has been found so acceptable.

Having regard to the changes brought about by the Local Government Act, 1948, it should have been possible to have included a note on it other than the brief reference made in the Preface. The Author seems somewhat optimistic in suggesting that the new basis for valuation of Dwelling Houses is intended to disturb present figures as little as possible. The primary reason for the "objective method" is uniformity, and whilst much will depend on the standards to be prescribed by the Minister, the varying bases adopted

by Local Authorities at present will be eliminated. If, therefore, the allegations of under valuation are true, some areas are going to receive unpleasant surprises.

It is noticeable that this book like other more comprehensive works on Rating, includes only a brief reference to the making and levying of a Supplementary Rate. Beyond repeating the words in the 1925 Act no guidance is given. It is true that supplementary rates are a rarity and probably for this reason a more detailed exposition is desirable so that when the necessity does arise laborious research on the part of those concerned is avoided.

The cost of the present edition is just double that of the first, and it would be helpful and less expensive to students if publishers could arrange for text books to be up to date at time of publication.

State Property Tax in Texas

By LYNN F. ANDERSON. \$1.

THIS is the 33rd of a group of Municipal Studies being undertaken by the Bureau of Municipal Research of the University of Texas. The Property Tax in Texas is something more than a hundred years old and forms a substantial source of revenue for the State of Texas, although its relative importance is declining due to the amount of revenue being derived from other sources. In 1945 the income from Property Tax formed 8 per cent. of all tax revenue. Unlike the position in Britain the Tax is levied on Capital value, and the property liable includes personal assets as well as land, buildings, etc. The method of assessment is criticised on the ground that it lacks uniformity as between the various Counties within the State. This lack of uniformity is illustrated by a statement prepared by the Texas State Auditor which shows that the basis of assessment varies between 20 per cent. and 100 per cent. of the true value. To eliminate this, full time valuers are

advocated in place of the elected official, who may be the Sheriff as well in some of the more rural areas. The difficulty of assessing personal property is overcome by requiring the taxpayer to declare the value of these assets. The collection of tax is largely in the hands of elected officials. Taxes paid before the due date are entitled to a discount up to 3 per cent., whilst if the tax falls into arrears or becomes "delinquent" then a premium of up to 8 per cent. may become payable plus interest at 6 per cent. per annum. It would seem, however, that these severe penalties are not always enforced and from time to time they are remitted by the State legislation. One advantage that Texas does have is that these taxes become a charge on the property. The weaknesses of the present arrangements are realised by the writer but it would seem that on the question of assessment and collection of local taxes this country has little to learn from Texas.

BOOK NOTES

OUR CONTRIBUTORS

Sir Henry Self is a Deputy Chairman of the British Electricity Authority, whose prime responsibility is Administration. As Permanent Secretary at the Ministry of Civil Aviation he contributed a paper to the 1947 Summer Conference of the Institute on "The Public Accountability of the Public Corporation," subsequently published.

Mr. James Lythgoe is City Treasurer of Manchester and a Vice-President of

the Institute. Last year he was President of the Institute of Municipal Treasurers.

Mr. R. S. Milne read "Modern Greats" at Oxford and was appointed a Lecturer at Bristol in 1947.

Mr. Charles Haar, a lawyer by training, visited England last year as holder of the Sheldon Fellowship of Harvard University.

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Tests of Efficiency

EFFICIENCY and the methods of achieving it are very much in the public mind these days. The need to recover rapidly from the losses brought about by war and to secure a rising standard of living have popularised such words as efficiency and productivity. If only for these reasons the new nationalised industries would be under the spotlight, for they are concerned with certain basic services and supplies—transport, gas, electricity and coal—which enter into the costs of all other industries. But there are also special reasons in their case.

In the first flush of triumph some of the less thoughtful supporters of the nationalisation measures undoubtedly thought that the abolition of the private profit motive would inevitably cause the industries concerned to be run in the public interest without any further worry on the part of Parliament or the public. Such people are now joining the many others who have for some time been worried as to how the continued efficiency of any monopoly, public or private, can be ensured. Moreover, the form that nationalisation has taken has not altogether helped from this viewpoint. For one thing, however much one may quote the Central Electricity Board and the London Passenger Transport Board, the fact remains that the Public Corporation, particularly when concerned with matters on a national scale and affecting almost every industry and household, is still an experimental form of management. For another, these new bodies are so large as to add the difficulties of super large-scale organisation to those of monopoly. Finally, the Boards of these industries have taken over just as wage and other costs are rising and when for one reason or another the industries were already in doubtful favour with the consumer. However much, therefore, the managements of these industries may justifiably crave for a period of years over which to show their abilities and progress they are unlikely to get it. Certainly during the next five or ten years their efficiency

is likely to be the subject of extensive public discussion and even perhaps of public investigation.

If this is so, one of the major issues facing both politicians and administrators is how to measure or to test the efficiency of these bodies. It is important to get some agreement on this question not only from the viewpoint of public control but also in the interests of the Boards themselves. For without some closer definition of efficiency and of the tests to be applied the industries might well become the Aunt Sallys of the political fair. Their critics will quote one set of facts and figures, a different set will be quoted by their supporters and the public will be confused and dissatisfied. Moreover, if tests of a general objective character can be agreed upon the greater the likelihood that the Boards will be left free from detailed inquiries into their day-to-day operations.

But the meaning and measurement of efficiency is not only an aspect of public or external control. The Boards are themselves faced with substantially the same problem in their relations with their sectional or local operating units. The efficiency of the coal industry depends in the main on the aggregate efficiency of some 1,000 collieries. Something should be added, provided there are tangible gains to be secured from unified management, but it is inconceivable that a Board could be adjudged efficient if the majority of its operating units were by the same standard considered to be inefficient. A Board, such as the National Coal Board, has to be concerned with the efficiency of its individual units, at whatever level, and as in the case of its relations with Parliament and the public, the Board may find that it can only free the management of these units from its detailed surveillance in so far as it can depend upon simple objective tests of efficiency.

It is unlikely that the tests devised will be the same for all industries or the same for a National Board as for the individual

management units under a Board. Nor is it likely that any test will be found which will be both simple and reliable. As Mr. R. H. Wilson points out in this issue, the association of the word "efficiency" with the word "audit" may give the misleading impression that the testing of efficiency is as straightforward and as well-developed as the accountancy audit. Mr. Wilson himself is concerned with the organisation of an internal efficiency check and not directly with the problem of measurement, though he postulates that same kind of appraisal is possible.

In the case of an industry working in conditions approximating to perfect competition the size of the profits or losses of individual firms is a good guide to relative efficiency and is usually accepted as such by management and shareholders. If the consumers do not like the products or prices of one firm they can transfer their custom to another. So both shareholders and consumers have a test which, if neither absolute nor precise, is nevertheless simple and acceptable. This is not true of the monopoly, whether public or private, for higher costs may be passed on to the consumer in the form of higher

prices or lower quality and there is no alternative seller to whom he may transfer his custom. In one of the earliest considerations of this problem, the Webbs in their *Constitution for a Socialist Commonwealth of Great Britain*, published in 1920, said: "What is needed is the systematic organisation, with regard to each nationalised industry, of comparative statistics of output or results in the various parts of the service, of detailed costing, of continuous test audits and of sample inspections; and with all this there should be associated not only the organised study of other analogous administrations, but also original research into the subject-matter with a view to new discoveries." In his evidence to the Coal Industry Commission in the previous year Sidney Webb had said *à propos* of the proposed nationalisation of the coal industry: "The National administration should, from the outset, be based throughout on (i) Accurate measurement; (ii) Complete Publicity and (iii) Continuous Comparison." But so far as we know nowhere did he quite say what he proposed to measure and how he proposed to measure it. And that is still the problem.

Our Contributors

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The Party System in English Local Government

By JAMES E. MACCOLL

THE British have never wholly been able to rid themselves of the idea that there is something indecent about party politics. Although political parties, in one form or another, have been active in national affairs for about 300 years Hansard still refuses to attach the party label to members of the House of Commons, and a suggestion that the parties of candidates should appear on ballot papers was decisively rejected when the recent Representation of the People Bill was being prepared. It is not, therefore, surprising that development of party organisation in local affairs has gone on almost surreptitiously. Not only does the constitutional framework of local authorities in the Local Government Act 1933 contain no mention of parties but it is rare for the standing orders of a council to recognise their existence.

Nevertheless party organisation in local government has been, for better or for worse, one of the most notable developments in recent years and no development so far-reaching could fail to influence very materially the day-to-day administration of local affairs. The outsider, who describes local government as he finds it in Statutes and Standing Orders, paints a picture which every practitioner, whether he be member or official, knows to be hopelessly inadequate and misleading.¹

One reason for the distrust of political parties is undoubtedly historical. The unreformed corporations, with the atmosphere of corruption that surrounded them, were often the objectives of violent political battles; battles not for principles but for spoils. It was a passage in history that the reformers of the nineteenth century wanted to forget, and, in consequence, efforts were made to purge out parties. The ideal set-up was of an independent and incorruptible local elite, chosen by the free votes of the people. It was an ideal perhaps rarely achieved, and abandoned, at any rate in London, almost as soon as popular

election began in 1889; it is now little more than a memory in most large towns, in a good many small ones and in an increasing number of counties.

CAUSES OF PARTY DEVELOPMENT

Although party administration is much older than the Labour Party its spread, its development in technique and its acceptance as a natural institution owe much to the growth of that party, culminating in the local elections of 1945/6. The reasons for this are plain. Elections are expensive and the evening out of incomes makes it very difficult to find individuals able to afford them. Apart from anything else the bare cost of printing an address to a modern-sized electorate is more than most people can afford. The average man who has aspirations for the local council must find some friends to help with the cost. Even among ostensibly independent candidates there has grown up a practice of producing election literature in common for a group. The Labour Party has made special efforts to secure working-class representation on councils and these could only be successful if election funds were collected in small amounts and pooled. Most working men, though they may not have shown any very clear Socialist ideology as councillors, have reached the council through the Labour Party.

Elections can be conducted on a party basis, yet the councillors, once elected, act as independents. This is a characteristic piece of British constitutional illogicality, which has been a common practice for many years in many towns. It rests on the idea that most decisions in local government can only with difficulty be distorted into party issues, and that, by and large, sensible people will usually come to the same opinion, regardless of what they said in the elections. The rise of the Labour Party has gone far to destroy this nice compromise. It has been natural for those party members who have paid for the

election to want to know that their councillors are carrying out the policy on which they were elected. Moreover the Party has looked at central and local government as two instruments for carrying out a Socialist programme. In early days this was, perhaps, only an impressive doctrinal setting for what were really ordinary domestic problems. But with the growth of the idea of planning social and economic policy there are good grounds for holding that national policy and local administration need to be closely integrated. The Party would claim that the programme in central and local elections is essentially the same—part of a plan. Indeed, many local Labour Parties have fought elections on a five-year plan (or whatever the conventional length at the time) for their town. The job of the party on the council has been to carry out the plan in detail in committee.

There have been two parallel developments for both of which the example of the Labour Party has been partly responsible. In the first place party administration has more and more come to follow on party elections. The anti-Labour parties have often deplored this tendency, but they have been compelled by Labour pressure to close their ranks in council and committee. In the second place party alignments have followed national divisions. Sometimes there have been groups of independents with a common election address and broadly a common policy. Sometimes there have been local parties of Ratepayers, Citizens or Progressives. But these have all tended to lose ground to Labour, Conservative and Liberal Parties, so organised and so named.

There is still a state of transition and it would be wrong to over-correct the neglect of party administration by assuming that such organisation was now complete and universal. There are still some councils with a substantial number of genuine independents. There are still some with purely local parties. There are many more where party divisions are not as clear cut as, for example, they are in London. Where, as has been common in the North, no one

party has a clear majority, modifications are inevitable. The mayoralty often goes to the senior member, regardless of party, or is chosen in succession from the different parties. Committee chairs are sometimes shared out between the parties. But this article will discuss the implications of the party system as it is found in London and as, by degrees, it is developing in the provinces.

THE PARTY IN THE COUNCIL

The Labour Party issues, centrally, standing orders to serve as models for local council groups. They are not obligatory and individual variations are frequent, but they do in general provide a prototype for different groups. In the same way although other parties differ in organisation they are mostly on the same broad lines as the Labour Party. The model standing orders provide that the governing body of the group² is the group meeting, though any member from whom the whip is withdrawn has a right of appeal to the National Executive of the Party. An important distinction, which should be noticed, is that election policy is determined by the party covering the area of the particular council, while council policy, within the framework of the election programme, is the responsibility of the group of council members.

If the party is in a majority it chooses the mayor, the aldermen and the chairmen of committees. The aldermen are usually, though by no means always, allocated between the parties according to their proportional strength. The party outside often submits names for consideration, but the decision is that of the group. Various methods are adopted for selecting chairmen. Sometimes the group elects its officers—leader and deputy leader and whips, and leaves the first selection of chairmen to them. Sometimes it is left to the majority party members of each committee. Sometimes the group elects them by direct nomination at the group meeting. From the point of view of picking a balanced team, selection by the officers has its advantages. It amounts in fact to the choice of a cabinet. On the other hand

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it is an invidious task and it is at least arguable that the two other methods are not only more democratic but produce as happy if less imaginative results.

The group leader has normally no official status. He may be, and probably is, chairman of an important committee; but as leader he probably does not appear at all in council standing orders. His functions are not always clearly distinguishable from those of the mayor. The one function that is plain is that of leadership on the floor of the council chamber. Consistent with decisions taken at the group meetings he has the final say on the tactics of debate. Sometimes he presides at group meetings, but, as he must take an active part in discussions there, some elder statesman is often appointed to preside over what are frequently lively assemblies. On large councils the majority party will usually appoint a policy committee³ to co-ordinate the work of different council committees, to hammer out inter-departmental differences and to steer council decisions along a consistent line.

Group meetings are usually held before each council meeting. Policy committees will meet more, or less, often as business demands. Committee members may also hold party meetings, and the group officers their meeting. This seems, and probably is, too much meeting. It is a system worked out for large councils, and a good many smaller bodies are probably over-organised. There is, however, a definable demarcation between these different meetings. The group is the grand inquest of the party, where final decisions are taken and where, if it is not to meet all night, as it sometimes is inclined to do, only important, well-digested and formulated issues should be presented. The policy committee is the working cabinet charged with keeping the different sections of the programme in step, smoothing out differences between the spending committees and the Finance Committee and with making authoritative decisions on all tricky questions which crop up from time to time. The committee group should not waste time on awkward administrative details, which a good

chairman can best settle with the policy committee. They should be thinking ahead and discussing future developments well in advance of the committee agenda. The group officers are the disciplinary body, responsible for filling vacancies on committees, chasing absentees and cooling down fearlessly independent (or infernally cantankerous) colleagues. Finally the leader is the general manager, responsible to the group for the way the whole machine works.

PARTY AND ADMINISTRATION

What effect does this party organisation have on the general working of the council? To the inexperienced official it can all be exceedingly bewildering. He finds himself confronted with two parallel and complicated mechanisms. On the one hand he has read in his text books, and had it confirmed in his standing orders, that his reports should be submitted to the appropriate committees. There they will be discussed and a recommendation made to the council, which, in its turn, will consider the matter on its merits. The council is presided over by a solemn and dignified figure in a chain, whom he may be excused for thinking to be a functionary of great influence and authority.

On the other hand he finds, in practice, that unless his reports are submitted to his chairman he may be told that a decision has already been taken at a policy committee and may find that it is approved without discussion at the council committee. Councillors seem not at all interested in what happens at the council meeting but prepare to debate the issues at a group meeting, which he is not allowed to attend. Finally he becomes aware of the existence of a leader of the council of whose identity he is a little uncertain but whose authority seems to be great. He finds that the mayor, whom he approaches in a difficulty, turns out to be a rather vaguely amiable gentleman, who explains that he will not be at a critical committee meeting owing to a previous commitment to dance the Hokey Cokey at the local Darby and Joan Club.

The inexperienced official can be excused for regarding the whole of this rather furtive machinery as undemocratic and corrupt. Officials who are by no reckoning inexperienced have declined to have anything to do with it. Their view is that they are governed by Local Government Acts and standing orders and that cabals of individual councillors are no affair of theirs. In the same way some 18th-century civil servant might have declined to be aware that his minister was accustomed to meet his colleagues regularly at dinner.

If the party system works well the officer should find that it leads to consistency. There is much less danger that decisions taken in committee after earnest review will be reversed on snap vote in council by people who have not grasped the issue. Some years ago a careful system of staff grading was turned down by a large county council by a majority of one. This is not likely to happen with well-organised parties. In the first place no sensible chairman would risk going to the council until he had cleared the matter in the group meeting. In the second place, if the parties were evenly balanced preliminary conversations between the two (or three) leaders on an issue of that kind could either secure agreement or give warning that some other compromise would have to be reached. The same advantage is apparent in disputes between the Finance and spending committees. The council must always have the last word but where so much depends on attendances at a particular meeting there is no assurance that these last words will reflect a coherent financial policy. It is true that there is often a convention that the Finance Committee must always be supported, but that puts great power in one committee and may mean, in consequence, undue restrictions on a progressive policy. Where the party is the final arbiter decisions are likely to be taken in the light of an agreed programme and an agreed financial policy. In most cases it is not necessary to wait for the next council meeting.

The chief officer knows where he is. If he has a bright idea it is much easier

for him to estimate his chances of getting it adopted. If there is a proposal floating round which he thinks unwise he knows exactly where to go to have it deflated. If a chief officer is to make a success of his department he needs to be able to interpret the wishes of the elected representatives. It is easier for him to grasp the intentions of a party, which has published an election address and makes some effort to achieve consistency by discussion, than it is for him to assess the relative influence in the council of a number of independents operating in unstable combinations.

Nor need his attitude to the party leaders be one of distrust and hostility. It is useful for him to have some one to consult who is responsible for looking beyond the immediate concerns of any single committee. It is useful for him at times, perhaps, to have some one whom he may approach for advice if his chairman is being unreasonable or dictatorial. In matters of urgency it is helpful to have some one enjoying the confidence of the council who can approve extra-constitutional action. It is helpful that there should be some one who can bang together the heads of disputing committees or indeed of quarrelling chief officers. In the same way a minority leader can be brought into confidential discussions and persuaded to distinguish between what is fair political game and what is not.

THE PARTY LEADER

Now it may be said that these are the functions of the mayor or of the chairman of the council. Where else but to the parlour should the chief officer go with his problems and his complaints? There are several comments to be made in reply. Mayors are not necessarily people with great knowledge of council administration. They serve for a year or two. The burden of their ceremonial duties and the legitimate ambitions of their colleagues make any longer tenure undesirable. They must therefore lack continuity and may have no particular appreciation of political issues. Moreover they are much taken up with social engagements. Especially when committees meet in the late afternoon or

evening is it almost impossible for them to attend regularly and to keep in touch with what is happening. These handicaps are less definite in the case of chairmen of councils, who may do much less ceremonial work, but the final difficulty applies to both. It is extremely difficult to be a leader, in the sense of directing policy, and at the same time preside impartially over the council. Mayors have many valuable functions but one of them is not leading a party from the dais. If they try they will probably get into very difficult water. There are great advantages in having two people: the mayor, the ceremonial head, dignified, impartial and given to hospitality; and the leader of the council, active in debate, free from social calls and in close touch with the realities of day-to-day administration.

OBJECTIONS TO THE PARTY SYSTEM

From the officer's point of view there are two great objections to the party system. One arises really from an abuse of it. There is a danger that permanent officials will get involved in party quarrels and that appointment and promotion will be decided in party caucus. Candidates may be privately reported on as "all right from our point of view" and, as a result, voting on appointments may take place on party lines. This is thoroughly vicious and, apart from anything else, is liable to make the officer's position intolerable if there is a change of party majority. Wise parties make a rule that staff matters may not be the subject of party decision. It is significant that the L.C.C., which is highly organised politically, has a particularly good reputation for the objectiveness of its staff appointments.

It is, of course, true that where feeling is high an officer can easily put his foot in it politically and either become, or, as likely as not, imagine himself to have become, the innocent object of party suspicion. This risk is inherent in a democratic system, where members and officials rightly look at questions from different points of view. It is just as easy for an officer to get at cross purposes

with independent councillors or groups of councillors. Indeed party alignments are, perhaps, easier to appraise and to take into account than less open combinations or interests.

The other objection has already been mentioned. Officers are not normally present at group meetings. The L.C.C. standing orders expressly forbid them to be so. This means that, in fact, decisions may be taken behind their backs, very often on little evidence. When their reports are submitted to committees they may find that they are given no serious consideration because in the minds of the majority party the matter is already *res judicata*. This is resented, not primarily because such decisions may be bad—so may a committee decision—but because it denies the right as well as the duty of an officer to submit advice on any question affecting his department. Mr. Warren, who is generally sympathetic to party organisation, regards this practice as an abuse belonging to the past. "It was not unknown for caucuses to meet before the committees and decide upon action in committee. This could only be, it should be noted, before factual data had been submitted by the council's officers to the committees, and all issues had been adequately examined, as they only can be, in the course of committee consideration. The proper and normal time for the caucus to meet is between the committees and the council; and the usual procedure, in fact, is that the caucus proceeds upon a review of the printed minutes or reports as soon as they are issued in advance of the council meeting to which they are to be submitted."⁴

The issue is not nearly so simple as that. If a chairman has no chance of "talking to his friends" before a matter is submitted to committee he may easily find himself in the humiliating position of having his committee recommendation reversed in open council. There may seem to be no harm in that, but in practice the execution of a political retreat in public, with the opposition in full cry, may be acutely embarrassing.

Moreover it may often not be practicable to make a change at that stage without reference back to committee and consequent delay. If officers resent decisions being taken by councillors before committees, councillors resent having questions that are clearly "political dynamite" presented to committee without warning and perhaps pressed to a decision on grounds of urgency. It is, indeed, precisely this habit which leads to the feeling that officers are intentionally fishing in troubled political waters.

In part the solution of the difficulty is that an officer should keep his chairman fully informed of what is happening in his department and of what questions are likely to need settlement in the future. A wise officer will accordingly let his chairman see any major report in draft and discuss it with him. While no responsible officer would alter the substance of his advice to please his chairman every local government practitioner knows that there are ways of presenting an issue to a committee so as to improve, or alternatively to ruin, the chances of getting a good decision. An experienced chairman should be a good judge of these ways. If he is kept in the picture himself he can see that his group knows what is happening.

But there are constitutional difficulties. In theory a chairman has no more rights than any other member of the committee, but few officers would cavil at showing their chairman drafts that are not yet ready for committee. It is not quite the same if those drafts are to be discussed by one section of the members while another section is kept in ignorance. A simple and obvious example is the annual making of the rate. It is common practice for a chairman of Finance Committee to discuss with the Treasurer how the current year is working out and what sort of picture is made by the early drafts of next year's annual estimates. The Treasurer will give his chairman rough estimates of rate income, revenue balance and net expenditure before this essential data is in a form ready for committee. But if the Treasurer knows that this information is to be used for discussions with chairmen of spending

committees about possible economies or in group deliberations over financial policy, he may feel in an awkward position. Is it compatible with his independent and impartial position that one group of councillors should have access to information that is not available to another group? Is it his duty to pass at least to the leader of the minority party everything that he tells his chairman or the leader of the majority party?

This difficulty reveals an important difference between party government in Parliament and in the local council. The loyalty of a civil servant is primarily to his minister and, while he must serve any minister with equal loyalty, he has no special duty to the opposition. Nor can the opposition expect to know what advice he has given and how far the minister has accepted it. But the local government officer has no minister. His loyalty is to the council through its committees, containing, as they do, members of different parties. Tensions arise because the development not only of the party system but of the complexity of local administration is turning the chairman into a minister and grafting a kind of cabinet government where it has no traditional place.

On questions such as making the rate the party which is going to be held answerable at the elections has got to take responsibility, and one might as well recognise that. But there are many matters in the day-to-day work of a council that do not, in fact, involve any question of party principle, nor are likely to affect elections. They call rather for pooling of ideas and experience and it would be a very great pity if free discussion in committee was allowed to atrophy. Party administration is at present in an awkward transitional phase and it is desirable to reconcile the two differing traditions rather than to press either to a logical conclusion.

THE RESPONSIBILITIES OF THE PARTY MEMBER

There can be faults on both sides. Majority parties often think it to be a sign of strength and efficiency to push through recommendations without

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discussion. They regard time spent in trying to reach a compromise with a minority as wasted and a sign of indecision. It is often easier to vote than to argue. Nor are minorities always anxious to share in decisions. I think it was Sir Robert Peel who said that the physician is not called upon to prescribe until he is called in and oppositions may prefer to let the majority make mistakes rather than to contribute helpful suggestions or to propound an alternative policy. But that means virtually an end of committee administration. It is important that the status of minorities should be recognised and their point of view considered. Minorities, in their turn, need to recognise that, if they expect to have free access to information and to the advice of officials, they should do their part to make the committee system work. It may all seem rather an illogical confusion, but British constitutional development has thrived on similar situations.

The assumption of this article has been that the party system is not inherently undemocratic. Secret meetings dictating to elected representatives how they should vote sounds rather unsavoury. But local government parties are generally more democratic than are parliamentary parties. In Parliament policy is determined by Cabinet decision; in local councils the controlling authority is the full group meeting, made up of elected councillors. Back benchers can have their full say, and discussion can be, and usually is, free and frank. Most party leaders would prefer to face the opposition in council any day rather than the comments and criticisms of their own supporters in private meeting.

A more substantial complaint is that group meetings may be controlled by outside members of the party who are not members of the council. There can be considerable friction between councillors and outside party members. It

is the whole party who have to finance and largely work the elections and it is understandable that they are easily alarmed by deviations from approved programmes, particularly as, in the nature of things, they have not access to all the information by which the council has been guided. To get over this difficulty the Labour Party model standing orders provide that three members of the outside party may attend group meetings in a consultative capacity, without power to vote. Although this seems to work reasonably well in practice it has not much to recommend it in principle and it has not generally been adopted in London. It does not solve the problem. If party members do not trust their councillors they have no more reason to trust their representatives. The same difficulty still arises in cases where the public cannot be told the whole story. The disadvantages of the practice are that it implies that confidential council information will be communicated to non-members and that it suggests control by an outside body, which outweighs any practical advantages.

CONCLUSIONS

Party administration is not bad merely because in most places it is new. In the field of popular election it provides a means of meeting heavy expenses by collective effort. In the business of the council it helps to co-ordinate and to plan policy in a systematic way. In both these respects it is meeting pressing needs of modern local government and is a characteristic example of British constitutional adjustment.

It can lead to abuse—to intolerance and to distortion of good administration for party ends. But the qualities it demands for success—the recognition by all parties of a common responsibility, respect for minority opinions and willingness to compromise—are essentially the qualities that have made British democracy work.

¹ The description of party organisation in Mr. J. H. Warren's *Municipal Administration* is a notable recognition of facts by an experienced former Town Clerk.

² The party on the council is usually called the "group" to distinguish it from the party in the constituency.

³ Including, probably, the group officers and committee chairmen.

⁴ Warren, loc. cit., p. 202.

Observations on the Process of Efficiency Audit

By R. H. WILSON

I. INTRODUCTORY

THE word efficiency is used in many different senses, sometimes to cover a whole undertaking, sometimes merely a branch or a single operation. Sometimes it is applied to things which can be measured with reasonable accuracy, e.g., the thermal efficiency of an electrical generating station, at other times the attempt is made to apply the term to the general policy pursued by a management, in which there may be many imponderable human and social factors. In contrast a financial audit is a process of exact check, usually in figures or in relation to well-accepted standards. The term "efficiency audit" is therefore liable to give a very false impression, certainly this is so if it were to be taken as implying the same precision and the same techniques as are used in financial audits. Nevertheless the term, though misleading, has won some acceptance as a convenient label for a certain range of processes concerned with testing the standards of performance of an organisation, and with recommending adjustments of the organisation to improve its performance.

II. RANGE OF TECHNIQUES

The Problem of Measurement

Though I am not here concerned with the precise statistical or other units by which efficiency may sometimes be measured, it is clear that judgments involved in matters of efficiency depend for their objectivity very largely on controlled observation and record, and this in turn depends largely on measurement. The more closely things can be evaluated in quantitative terms the greater will be the effectiveness of efficiency control—at least in the sphere of things concrete. Production of the right form of statistics or accounts, for the right kind of units and the right periods, is thus fundamental to scientific

efficiency examination, though to discern and apply the lessons to be learned from these forms of analysis will continue to demand both imagination and proper technical equipment.

The current trend towards standardisation of accounting may assist the techniques of efficiency measurement. In my view it is a mistake, nevertheless, to expect too much from this particular development. Standardisation throughout a whole industry (as distinct from standardisation within much narrower fields) is admirable in theory but in practice there are always variations between undertaking and undertaking which are either so great or so subtle that mere comparison of main totals is useless.

More important, therefore, is the technique of standard costing, which is being employed to an increasing degree. The object of this process is to provide a comprehensive and prompt method of controlling costs in each individual undertaking by comparing the actual cost of the output of each workshop, for example, or the actual cost of each function, with a pre-determined or budgeted cost. Appropriate comparisons are available for each level, i.e., the working group, the Foreman, and the Works Manager. The total costs are analysed into the cost for each human and material factor in each unit of production, whether in terms of money, hours, or other quantities, and the differences between these figures and the standards pre-determined are segregated according to whether they are due to causes under the control of the particular persons concerned or outside their control.

Properly handled, this scheme provides automatic local indicators to flash the red light whenever performance falls below standard—which should be taken as the best achievement to date—and to

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point to the sources of the variations in the performance.

The technique is also an attempt to bring the matter of cost home to each individual who has any influence over it, and to measure for him the items over which he has some control. He is no longer an anonymous or disinterested contributor, and alibis are prevented.

The same services are required of statistical method. However useful a series of general statistics may be in indicating the trend of a total position, the tracking down and correction of the individual inefficiencies on a scientific basis will depend on obtaining the relevant figures, possibly in standard terms, for the smallest unit of performance and responsibility.

Experience and Practice

In spite of the advances in measurement techniques, however, the problem of assessing and furthering efficiency is still, in the main, a matter for the man with a ripe practical experience. As experience accumulates the expert proceeds by analogy from case to case, as it were, and practices improve accordingly; it even becomes possible to govern the more routine investigations by a kind of programme of procedure.

This wider spread of practical experience is accompanied by a strong tendency towards specialisation, of course, but the specialist in any one field will still have a considerable territory to cover. The "auditor" of production efficiency, for example, needs a really close acquaintance with the best practices in works management, which should probably include Building Layout, Planning of Processes, Machine Utilisation, Progressing of Work, Inspection, Job Evaluation, Incentive Schemes, and so forth, and he must know where to turn for specialised assistance in the subsidiary and more specialised techniques of heating, ventilating and lighting, for example, or of payroll procedure, in which he may not be expert himself. That he must know how and where to co-operate with the other functions (e.g., cost accounting and labour management) will be obvious.

If one man's experience cannot be a great deal in such a vast field, to an increasing extent there are published records of what is being done elsewhere, and the various individual practices begin to coalesce into general techniques of fairly wide application within each specialised branch.

Differences in technical knowledge

The range of efficiency examination is affected by the departmental specialisations which inevitably occur. Obviously the examiners, who in such cases will often be "internal" to the undertaking rather than outside consultants, must cover all the departments and sub-departments of Production, Distribution, Design, Public Relations, Accountancy, Finance and so forth—whatever the pattern of organisation may be. In a bank or a Government office, naturally, the pattern will be quite different, and the experience required will vary accordingly.

Where the undertaking is really large and complex, the problems involved in setting the skeletal structure of the organisation and in placing the main organs in proper relation to each other may result in the emergence of still another separate and skilled function or department under the guise of Organisation, and still another field for the assessment of efficiency.

No single person can be properly expert in all these fields, not merely because they are so numerous and have become so highly specialised, but because the types of mind required in each function tend to differ. The trained Engineer needs a mental equipment different from that of the Public Relations man; the Accountant and the Sales Manager must see things from different viewpoints, and the specialist "organiser" has yet another approach. It follows that the efficiency examinations in each field will also differ in technique.

Differences of Atmosphere

As to differences of background or atmosphere, it will be obvious that a

method of work or a scheme or organisation which succeeds in the United States may not succeed in this country, and that a management which is efficient in this country may be a failure in Germany, let us say. The more the workpeople are closely involved, and the more frequent the contacts with the customers (e.g., in a public service) the greater the differences caused by the human element.

The same applies even as between undertakings in the same country and in the same line of business. The differences may not always be so obvious, but they will be there, and as between Local Authority work and private business, for example, or a fighting service department and some other department, the variation in the atmosphere of the efficiency examinations will be considerable.

Differences of Level

In addition to these differences of field, there are subtle differences of level—for want of a better term—in the range of efficiency examination.

Consider the parallel between the health of a human being and the efficiency of an organisation. The health of a human being is affected by circumstances at three different levels of experience. There are functions so simple and so primitive as to be almost entirely a matter of physics or mechanics, and disorders in this category can be easily diagnosed, but as the act of living grows in complexity the control of the processes becomes increasingly a matter of the mind and, perhaps, of the spirit. Ultimately it involves a mysterious combination of all three.

It is understandable, therefore, that the processes of efficiency examination may be relatively scientific when applied to the simpler or more mechanical or "unit" levels, but become a matter for extensive experience and mature judgment at more complex levels, and are finally a matter of opinion and even of personal philosophy at the top. Assessing the efficiency of a single machine has little in common with assessing the efficiency of general leadership, for example. Likewise in government departments the review of a typing pool

or a messenger service is a process quite different from the review of administrative efficiency at the senior level.

Combinations of foregoing Differences

It will be obvious that in any one undertaking there may be complicated combinations of all these differences of field or background or level. Indeed, this may be the case with even a single department. It is hardly surprising, therefore, that there are important divergencies of technique, and a good deal of conflicting doctrine accompanied by a certain amount of rivalry and friction.

The fact is that if the so-called efficiency auditing is to deal with the whole field of public and private affairs it must be an integral part of that field rather than something separate, and that the range of examination technique and experience must be as wide and deep and complex as these affairs are themselves.

III. THE TOTAL AND ULTIMATE CHECK *Co-ordination and Team Work*

I have indicated the obvious facts of range and degree of specialisation because they lead to what is, in my view, by far the most difficult aspect of efficiency promotion, namely, the integration at every level of the various and separate processes of check, and the criticism of the quality of the management itself. After all, it is the efficiency of the undertaking as a single and indivisible whole which is the ultimate objective.

Co-operation between the different experts is necessary even when the examination is quite limited in scope. Investigation into the cost of a single workshop-process will involve at least the accountant and the engineer, and the interplay of function and level becomes increasingly decisive as the scope of examination is widened. It follows that, except for specialised investigations of an individual character, team work becomes indispensable. No one technique should be unduly prominent.

But a team must, of course, be led or directed, and co-ordination must be

planned. In the smaller business this responsibility will normally fall on the management, and in the larger business there may be a special officer or department responsible direct to the management for this work, but in either case the result is the same; there is no explicit review of the quality of the management itself.

Top-Level Audits

This remains true even where the efficiency expert is asked to undertake a type of examination sometimes known as Management Audit. In this type of examination the survey is confined to the main points in the working of an organisation; the expert gives his view of the general atmosphere of the business, as it were, and of the effectiveness with which all the functions are brought together and controlled by the management.

Giving advice to managements or administrations at top level is perhaps as fascinatingly dangerous as giving advice to one's friends. And though we know in our hearts that a great deal of hard and unspectacular work is vital to a sound assessment in most cases, we all prefer, of course, the excitement of "hitting the high spots" to the dull grind of careful examination into the details of the organisation at all levels!

Nevertheless the really experienced man can often get the "feel" of a business from the top, if it is not too large, with reasonable accuracy. He will, of course, know the main points to look for. These are primarily the structure of the organisation, the distribution of responsibilities and powers, the channels of authority, the knowledge-ability and personalities of the leading executives and the general appearance of the individual departments. But proving the accuracy of his "feel" is a different matter altogether and if the undertaking is really large, of course, a programme of this kind cannot be carried out by one man or even by one team, in which case "feel" may be a most unreliable guide.

A simple example of Management Audit is a programme given in a pamphlet on "Production Efficiency" recently

issued by Trade Associations in the Engineering Industry of Great Britain, which lists 41 questions for answer. Another example I have recently seen, this time in the field of public administration, sets out a programme of some 40 questions. The Press is pouring out many publications of a more ambitious character, but the questions remain much the same, and are just as engagingly general (e.g., Does production move continuously through the shops? Have decisions on routine matters been devolved on those possessed of the necessary operational knowledge?). Between asking such questions and answering them there is a great gulf.

The questions may provide a guide to self-criticism if the management or administration is open to suggestion, but the answers will often be largely a matter of opinion, and in such case the valid opinion must normally be the one we obtain when matters are seen in the light of every factor known to the management, and mainly as weighted by the management. (I leave out of account those managements so small and so uneducated as to be able to benefit from even the most obvious statements of general principle.) It follows that the "audit" of management—as distinct from the "audit" for management—is something which must be carried out in intimate contact with the management and in full knowledge of all its problems, of its policy, and of all the subtle, shifting and imponderable calculations which govern policy, as seen in advance and not in retrospect. Any proper process of check on the management must be "internal" and continuous in operation.

The Constitutional Problem

By whom can such a well-informed and running check be carried out, and to whom should the results be continuously reported, it being understood that the management should not be undermined?

Theoretically it would perhaps be possible, in some circumstances, to arrange that a chief efficiency investigator should be appointed to report direct to the shareholders or other interested

parties. This report would not be of great use to the shareholders, however, unless the management were associated with it—in which case it would be virtually the management's report—and if the management were not associated with it an adverse or critical tone would immediately raise constitutional difficulty. This is a dilemma of the first order. In the business world the effective Board of Directors is probably the best answer. Perhaps one of the most valuable functions of a good Board is that it does, in effect, carry out a continuous check upon the efficiency of the management. For this purpose the Board must be distinct from the management, of course, and it must be free from the responsibilities of day-to-day administration. It is *not* the management. It must meet frequently—not merely in the Board Room—and it must really understand the physiology and the mental and spiritual characteristics of the business. To return to the analogy of the human being, the "personality" of the organisation is not merely the product of its various parts, but depends on the mutual balancing, compensating and complementing of the strengths and defects of all the functionings of mind and body, plus something else besides.

If the Board is properly constituted there will be a sufficient "spread" of judgment, energy and expertness to provide a check on management, and an encouragement to management, in full understanding of the true "personality" of the undertaking. The process is one which goes on quietly and almost unobserved, and certainly without publicity, and in the result it is all the more effective. Unless the Board has reached the point of parting company with the management, it will sedulously protect the authority and prestige of the management, and though outside consultants may be called in from time to time to report on particular aspects of the business organisation, they will be asked to do so as a means of assisting the management rather than to give their views on the management itself.

I am ignoring, of course, those cases where the symptoms of ill-health are so obvious that the appointment of a Committee of Investigation, for example, is found necessary. Drastic action of this kind is normally a prelude to removal of the management and reorganisation of the undertaking altogether, and is outside the scope of the so-called efficiency audit.

IV. THE OUTSIDE CONSULTANT *Internal or External "Audit"*

The question arises as to when, and in what circumstances, the processes of efficiency investigation should be carried out by the undertaking itself, internally, or should be entrusted to an expert practitioner called in from outside.

The departmental processes of efficiency-check will often call for the closest physical and mental contact with the matters under examination, and the persons carrying out such investigations—at "brass tacks" level as it were—must either be on the permanent staff of the undertaking or spend so much time with its problems, watching and analysing the variations of the factors month by month, that they are virtually on the staff. Likewise the review of efficiency at intermediate levels will be more realistic if it is based on thorough understanding of the internal affairs of the undertaking—including perhaps the secret strains and stresses which are inevitable in the larger units of human endeavour.

It has been claimed that efficiency examination is therefore a process which should be "internal" and that in any case efficiency is a responsibility which the organisation cannot pass on to someone else. There is great force in this, but the fact remains that the smaller organisations must inevitably seek expert assistance from outside, for reasons that will appear later and that even the largest organisation with its own system for reviewing efficiency will benefit from expert advice and a fresh view of many of its problems taken individually. What is needed is a correct blend between the internal and the outside review, according to the circumstances of each case.

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Using the Consultant

In the case of the small business the whole process, almost, may be handed over to a consultant lock, stock and barrel.

The organisation still has an important role to play, nevertheless, and the first task is to decide which particular problems require survey and which particular consultant can most suitably be put to work on them. Even where general advice is sought on this question, in the shape of "Management Audit" or otherwise, the decision of the management on how the advice shall be put into use is a vitally important task which should not be delegated. Incidentally, it is a valuable rule that expansion of the investigation into detailed and particular aspects of the business should not be entrusted to the consultant whose general advice is sought in the first place, and he should, of course, be made aware of this at the outset. It is likewise for the undertaking to make certain that the consultant is given the full facts of the situation, that he receives the closest co-operation from the staff of the undertaking itself—without which the consultant is almost helpless—and that the direction of the investigation is correctly maintained, and finally that the investigation should come to an appropriate close at the appropriate time.

It is also for the organisation itself to see that it maintains any ground that is won. A system or method which may work well so long as the author and expert is there to watch it may rapidly degenerate when the expert is there no longer. In some cases there may be passive opposition to the changes introduced; in other cases the consultant may have introduced a system which is too refined for use by less expert or less enthusiastic persons; or there may be other explanations.

Much of the foregoing is true also of the large business, with the proviso that the bigger the undertaking the more difficult it is for the outside consultant to be effective on anything but specific aspects or problems of the business. I shall return to this point later on.

As for medium-sized undertakings I would suggest that groups of undertakings of a like character might well consider the possibility of setting up a joint machinery for the study of efficiency problems. In such cases the outside consultant would function mainly as adviser to the Group on special points as necessary. The medium-sized Local Authorities might well benefit from arrangements of this kind, since their problems and circumstances tend to have much in common.

Advantages and Disadvantages of Outside Investigation

Whether large or small, the organisation benefits from use of the outside consultant just because he is "outside." He is not inbred in the business; he is not committed or compromised; the internal politics should leave him unconcerned; and he has had time and opportunity and practical experience enough to become an expert in the field under examination.

In the case of the smaller business particularly, there are other advantages. It concentrates the responsibility for the investigations. It avoids distracting the existing staff, or swelling it beyond normal requirements for the purpose of the investigations. Finally, it provides a quality of expertness which would be over-costly for the small organisation if permanently on the pay-roll.

As to the drawbacks of using outside consultants, on this delicate issue I shall prefer to quote from a recent article in the American journal *Modern Industry*. According to this article, the most frequent complaints made against consultants in the United States are as follows:—

- (a) they have too many "big ideas";
- (b) they tend to upset the entire organisation, and distort delicate labour-management relationships;
- (c) they hand out "canned" programmes and studies in place of carefully-thought-out reports appropriate to the particular business;
- (d) they tackle jobs about which they really have no experience;

- (e) the suggestions do not get put into practice.

Much the same complaints have been voiced on this side of the Atlantic also, but a more important criticism, perhaps, is that even the best of the outside experts tend to be zealots, with all the positive and negative qualities implied by that description. For myself, I cannot feel much impressed by these criticisms. It is the management or board or other controlling agency which is at fault if the experts are not properly selected and kept within bounds.

As I hinted earlier, it is idle to hope that the outside "efficiency audit" is a substitute for management, or that it will turn a bad organisation into a good one by some quick and painless formula, but I have no doubt that where the consultant is employed on problems which are correctly defined and sufficiently concrete (e.g., Job Valuation) he has a most valuable contribution to make.

V. INTERNAL EFFICIENCY AUDIT OF LARGE-SCALE UNDERTAKINGS

Size and Structure

While basically the factors causing efficiency and inefficiency remain the same for all the undertakings, the extreme size of some of our modern undertakings must bring special problems in its train. It is false to assume, however, that where there is apparent monopoly or where, as the catch-phrase has it, the profit and loss account no longer indicates efficiency, the only remedy is the efficiency audit. There are many other checks in existence, statutory and otherwise, and this is a subject in itself. It remains true, however, that the larger the undertaking the greater is the need, normally, for internal self-criticism.

To take first that arch-enemy, sheer Size, the simple point is that the organisation of internal efficiency control must begin by securing the annihilation of Size. It can be got rid of, in effect, by breaking down the mass and building up a proper structure of separately identifiable entities. The advantage of obtaining

comparable entities will be obvious, but it is still more important that each component entity should have its own living space and its own economic existence, however limited. Below this, each sectional unit at each level should reflect a real and appropriate allocation of function and responsibility within the undertaking.

The next point is that the check upon efficiency must start from top, at a level above the sectional units, and above even the component entities. This is not merely to secure co-ordination between the efforts of the several undertakings. Co-ordination is an important problem, and the efficiency examiners must deal with it, but the vital task at the top and centre is to give the correct lead, or set the right atmosphere. It follows that responsibility for the grand strategy of internal efficiency check deserves a place near the seat of ultimate power, as its loyal servant and subject.

To be properly exercised this ultimate responsibility must, in my view, be in the hands of a permanent body which is non-specialist and free from managerial cares, yet intimately informed of the position; critical but sympathetic; publicly responsible and yet "of the family." The analogy indeed, is, with the Board of Directors of the best type. It is only in this way that the best results will be achieved, though the central controlling body may well need specialised staff to assist it in its task.

Devolution of Efficiency Check

On the other hand, the processes of efficiency check, as distinct from the general responsibility for co-ordinating them and encouraging them—and instigating and "vetting" them as necessary—should not be the exclusive territory of this central office. It is the whole undertaking which must be efficiency-minded, and not only from the top downwards but also from the bottom upwards. The setting up of a highly-centralised system of efficiency check will not meet this need. On the contrary, it will tend to free local managements from their sense of responsibility for the process, and this is

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highly undesirable. Unless the concern is efficient at the "brass tacks" level, no brilliance of organisation at higher levels will remedy the situation.

There must be a constant process of efficiency check on each section and operation of the undertaking, and these checks should be primarily the responsibility of the persons or groups near each scene of operations. It is, therefore, the duty of the managers of a local unit to ensure that there is the machinery necessary for carrying out this check. The nature of the machinery will vary with the scale and character of each unit. The larger entities may possess a special team or section; in a small unit the manager himself, or at lower levels the foreman, must do the work of efficiency control, with such assistance as is necessary from the accountants and the technical men.

There must be control, at each level of grouping, by way of general inspection and by way of test examinations of detail. Where the undertaking is really large there may be more than one level of grouping before we come to the apex of the structure, where the final responsibility resides.

Methods of Working

Assuming that the ultimate authority works through a designated section or sections of its own officers, the first task of such a section is to propagate "efficiency-mindedness" throughout the organisation. Secondly, however, it must take part in some of the test examinations carried out at all the various levels. There is no question of covering the whole field, which is impossible. The objective is (a) to bring the central section down to earth occasionally, and (b) to enable the section to satisfy itself that there are proper teams at the proper levels, properly at work, and that the results disclosed by them are properly used. It follows that any detail work done by the central section should normally be done in conjunction with the organisations concerned at each level, but the responsibility of "local teams" to their own managements should not be undermined.

These test-checks need not be locally comprehensive and the process known as Job Analysis will often be sufficient. What is true of one job is likely to be repeated elsewhere. It is not essential, as in the painting of the Forth Bridge, to cover the whole structure slowly over the years. But when one particular problem has been chosen it is essential that it shall be approached absolutely afresh, by the best talent available, and with all the technical and other resources available, internally or externally. The problem must be pursued across the borders of departmental responsibility; this is fundamental. For special jobs special teams may be created. It is the problem which is the "entity," not the department concerned. New questions must be asked and old superstitions disposed of. In short, the Job Analysis must be scientific in its approach, though it must be practical in its results.

Whereas in the largest undertakings a great part of the efficiency control must be in the hands of the organisation itself, and the ultimate control in the hands of some suitable body sufficiently remote but sufficiently instructed, there should be no hesitation about using experts from outside on the special problems that arise. But these experts must be supported and strengthened by the internal investigators at the appropriate level. This is not merely for technical reasons. In my experience, the outside investigators or assessors tend to be kept at arm's length; unless they are "worked in" to the organisation, and unless they are reporting to authorities within the undertaking itself, they are not likely to have the confidence of the persons or sections which are being "audited," and the whole object of the examination is defeated.

If the structure of the undertaking is in good order—and in a large undertaking this is a continuous struggle—then, apart from general propagation and inspection, the occasional tests at "brass tacks" level, and the employment of outside specialists, the central sections will depend for their control mainly on interpretation of the accounts and

statistics of the various units, together with the general reports on the work which is being carried out at the other levels. Yardsticks can be set, however imperfect, by reference to tests of all kinds—the simpler the better, in some cases; the total man hours worked, or materials consumed, can be most illuminating. There are also other tests of an over-all nature, such as comparisons with costs incurred by similar undertakings at home and abroad. In a public service, also, there are many other sources of information or criticism which indicate where the attention of the central section can be profitably directed, and in a sense the public itself carries out, continuously, the preliminary stages of a highly effective "efficiency audit."

Particularly where efficiency is to be assessed in terms of relative "social cost," the public has its special role to play. The desecration of a countryside by industrial exploitation, the diversion of essential resources to unessential activities, the destruction of human values by disease or monotony—these are matters beyond the scope of any efficiency audit, in the normal sense of this term.

General Conditions of Efficiency

The prime task which faces the ultimate authority of a really large undertaking is perhaps not unlike the task of any "Government" concerned with ensuring the well-being of its "citizens." That is, it must create the conditions in which the "citizens" will wish, and will be able, to work happily and effectively for themselves and for each other.

I will cite only the case of the financial administration, though the other administrations, particularly the personnel administration, are also of great importance. The general financial policies of an undertaking have a direct bearing upon efficiency. If they are unsound, the best-laid plans and structures of business, and the keenest system of internal efficiency audits, may avail little. This is a subject in itself, but some of the main objectives of an efficient financial administration can be noted:—

- (a) decentralise financial interest and incentive in proper degree;
- (b) devolve financial power in relation to responsibility, though holding firm to the ultimate control;
- (c) employ over-all tests of costs, charges and profits; the simulated "arm's-length" relationship between units in the group is valuable (e.g., kill any lazy notions to the effect that, since the group is all one, inter-unit relations or transactions need no longer be properly worked out);
- (d) put the accountings of the units on a comparable basis; insist that each unit knows and accepts its own results; pursue all apparent differences between the units, however good an explanation the units seem able to advance;
- (e) institute close budgetary controls of normal types; set budget targets, and examine all deviations therefrom; departmentalise and localise all budgets as far as possible, and relate to appropriate statistics;
- (f) set up, in conjunction with the technical sides, adequate machinery for so-called standard costs or technical costs or budget-costing, and carry out constant and current investigation into the performance of each unit separately and into "jobs" or "problems" irrespective of departmental or regional responsibilities.

If at this top-level the conception of policy is unsound or ineffective, or if the policy-makers are unable to get their policies through, then drastic action which has nothing to do with "efficiency audit" may be called for. Normally, however, something much less spectacular and a great deal more difficult is required. Only a devoted but discreet adherence to simple and basic principles of constitution and finance—and these are known in general terms to every thinking person—will steadily shape the undertaking so that its

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operations are maintained in harmony with the objectives on the one hand and the surrounding circumstances on the other.

VI. SUMMARY AND CONCLUSION

In conclusion, I should perhaps try to sum up what has been said :—

(a) I feel that the man in the street, when he first hears about a new technique called "Efficiency Audit," will think that at last a way has been found of ensuring that the companies in which he owns a few shares are being properly managed for his account or that other undertakings of interest to him are being properly run, and that an Efficiency Auditor can be appointed by the shareholders on the analogy of the financial auditor to give a public certificate about the degree of efficiency achieved by each organisation. If the man in the street has any such impression then, in my view, he is doomed to disappointment.

(b) Efficiency Audit is really a compendious and rather misleading title for a whole series of differing techniques, which are applied to different facets of the extremely subtle problem of obtaining efficiency. These techniques must be applied mainly to specific parts of an undertaking and to individual processes rather than to the whole of it as a unit, and the techniques are most effective when applied to problems of a concrete character. The techniques themselves are acquired mainly as a result of long experience and actual practice, and are clinical rather than scientific. On the other hand, the approach to any given problem should be scientific in the wide sense of that word, and the knowledge available must be systematically used. Gradual improvements in the techniques of standard measurement—statistical, accounting or otherwise—will gradually increase the "science" in efficiency control.

(c) The greatest value to be derived from the various processes of "efficiency audit," whether we are thinking of the actual investigations at operational levels or of the co-ordination and direction of these investigations at higher levels, is

that the processes should promote a state of efficiency-mindedness. Efficiency is only really produced when it becomes an attitude of mind in every single person concerned with the undertaking. It is something which has to be lived each day. And, like liberty, efficiency is one of those conditions of affairs which can be assured only by eternal vigilance; it is not something which can be produced once and for all by the formulation of rules or the introduction of methods. Even if the human element does not begin to falter, the rules and methods will lose their effectiveness because conditions will change.

(d) Where there are no natural forces to maintain the efficiency and modify the techniques of business as necessary, the processes of efficiency control are of greater importance (in spite of the public checks which can be evolved). In the larger undertaking they must be continuous in operation, and mainly internal in type. It is the selection of the points at which these processes of "audit" should be applied, the control over their application, and their conversion into practical results, which present the most difficult problem of all, and for constitutional reasons as well as for reasons of technical difficulty these responsibilities cannot be properly exercised from outside the undertaking itself. The undertaking should, however, be built up so that there is within it a suitable "authority," separate from management but thoroughly qualified, left free for this task (e.g., an effective Board of Directors).

(e) On the other hand, the outside "efficiency auditors" in their various specialist spheres, including general organisation, are almost essential to the smaller business, and of great value for "blending" with the internal system of efficiency audit in the large business. The consultants must be carefully chosen, however; it is futile and dangerous to suppose that any one efficiency expert can cover the whole field of human endeavour. A world of difference can be caused by differences of circumstance and level.

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(f) The functional experts most frequently concerned in efficiency investigations, as a sort of common factor, are your costing experts, your accountants and your statistical men. This is because they are concerned with record and measurement, not only in money but in time and other quantities. It does not mean, however, that the field of investigation should exclusively, or even preponderantly, belong to them; all the functions are concerned in due turn.

(g) When all is said and done, efficiency will only be achieved by the really big concern in the really long run if the

"government" of the undertaking is in alert and able hands, and the "citizens" are in good heart accordingly. Both drill and exhortation may help, and supervision and check are obviously necessary, but these things are only half the battle. Faith and leadership cannot be "audited," and fundamental policy is also beyond check by any such process.

May I add that I am only too conscious of the extremely general nature of what I have said? The subject is a large one. I hope, however, that I have provided a review, in due perspective, of the significance of what is involved in the term "Efficiency Audit."

Municipal Boroughs and Ultra Vires

By BRYAN KEITH-LUCAS

The development of the modern English system of Local Government has been profoundly influenced by the Judge-made law of Ultra Vires. Few Acts of Parliament have affected the nature of its institutions so deeply, and certainly none has exercised so powerful a restraint on enterprise and development. This doctrine is, however, entirely the product of judicial decision and only in the last century has it been applied to local authorities. In the last twenty years its importance in the case of boroughs has been much affected by legislation and judicial decision, the effect of which it is proposed to consider.

The Boroughs of England (with the exception of Metropolitan Boroughs) are the creations of the Royal Prerogative expressed through Charters. They owe their existence and incorporation to these charters (in some cases the existence of the charter is assumed because of the ancient existence of the corporation) not to Acts of Parliament. At common law such a corporation, in the words of Blackstone, "may sue or be sued, implead or be impleaded, grant or receive by its corporate name and do all other acts as natural persons may."

This is the Common Law position, but it has been to some extent modified by statutes—particularly the Municipal Corporation Act, 1882, consolidating previous statutes, which regulated how the Borough Fund might be spent. The position after the passing of that Act was therefore as stated by Luxmoore, J., in *A.G. v. Leeds Corporation* (1929) 2 Ch. 295—"The Corporation was incorporated by royal charter in the year 1627 in the reign of King Charles I. The fact that it is incorporated by royal charter is of importance, because a corporation so constituted stands on a different footing from a statutory corporation, the difference being that the latter species of corporation can only do such acts as are authorised directly or indirectly by the statute creating it; whereas the former can, speaking generally, do anything that an ordinary individual can do. If,

however, the corporation by charter be, as the corporation is in the present case, a municipal corporation, then it is subject to the restriction imposed by the Municipal Corporations Act, 1882, and can be restrained from applying its funds to purposes not authorised by that Act."¹

Section 140 of the Act of 1882 provided that the borough fund should be used to meet certain specified liabilities, and that no other payment should be made out of it except under the authority of an Act of Parliament or by order of the Council, or the authority of a Court. But in *Tynemouth Corpn. v. A.G.* (1899) A C 293 the House of Lords rejected the argument that this meant that all payments by order of the Council must be held good (unless and until they are disallowed by the Queen's Bench Division). This argument, in Lord MacNaghten's words, "seems to be contrary to the spirit and intention of the Act and would tend to place the Borough Fund very much at the mercy of an unscrupulous majority in the Borough Council." Thus the obvious reading was rejected in favour of an interpretation which made the authority of an Act of Parliament an essential condition for authorised expenditure from the Borough Fund. There is, however, no reason to believe that Parliament ever intended by this legislation to alter radically the established Common Law powers of the ancient corporations in this way. Meanwhile the doctrine of ultra vires, in its true sense, as applied to statutory corporations, had been developed in cases concerning the new railway and canal companies, and was automatically applied to the new statutory local authorities—County Councils, Urban and Rural District Councils, Parish Councils and Metropolitan Borough Councils.

Thus the statutory corporations and the chartered corporations appeared to be in much the same position; the former strictly limited by the doctrine of ultra vires, the latter by sec. 140 of the Act of 1882 which made the specific

authority of an Act of Parliament essential for any expenditure from the Borough Fund, and thus reduced them to much the same condition.

There has been much legal debate on the question whether a restriction on the powers of a common law corporation contained in its charter results in any action contrary to that restriction being *ultra vires*. The discussion centres round the case of *Sutton's Hospital* (1612) 10 Co. Rep. 1, but is primarily of academic interest. More important is the question of what effect section 140 of the Act of 1882 has on a contract of a municipal borough which entails expenditure not sanctioned by that section. In *Newcastle Corporation v. A.G.* (1892) A.C. 569, LXVII L.T. (W.S.) 728 it was held by the House of Lords that in such a case the contract was not necessarily *ultra vires* or void. Lord Herschell said "I think it is impossible to hold that the contract was *ultra vires* or void. The fact that there may be difficulty in obtaining satisfaction of a judgment recovered in respect of payments to be made under the agreement or that there might be no funds or property available to satisfy it does not, in my opinion, show that the agreement is *ultra vires* and void."

The result of the Act of 1882 was therefore to make such payments from the borough fund illegal and thus in practice to prevent the corporation from undertaking any activity not specifically authorised by an Act of Parliament. The practical effect was much as if they had been subjected to the principle of *ultra vires*.

The Local Government Act, 1933, repealed the relevant part of sec. 140 of the Municipal Corporations Act, 1882.

In the case *A.G. v. Leicester Corporation*, 1943, 1 Ch. 86, an application was made to prevent the city corporation spending money out of the rate fund on the purchase of the goodwill and stock of a bus undertaking. There was no specific statutory authority for the purchase. In his judgment Bennett, J.,

said "As I see the matter, so long as sec. 140 of the Municipal Corporations Act, 1882, was in force the defendant corporation were by that section forbidden to make the payments for goodwill for which the impeached agreement calls and would have been restrained by a court of equity in an action brought by the plaintiff from making that payment. Since the repeal of subsections 2, 3 and 4 of that section by the Local Government Act, 1933, the only ban against making that payment has been removed, and the corporation having power as a corporation incorporated by royal charter to enter into the impeached agreement are not now prohibited by any Act of Parliament from making the payments."

Thus, with the repeal of these provisions, the borough corporations are once more free to act as natural persons may, and to do anything which a natural person could do, unless specifically prohibited by an Act of Parliament, while the other local authorities remain subject to the restraint of the doctrine of *ultra vires*. Section 185 of the Local Government Act, 1933, prevents the expenditure of a surplus in the rate fund except for "the public benefit of the inhabitants and improvement of the borough." This, however, applies only to a casual surplus and is expressed in such wide terms that it does little to restrict the freedom of a corporation.

The question inevitably arises of the degree of freedom of a municipal corporation in a sphere covered by an Act of Parliament, but in which Parliament has not specifically prohibited borough corporations from acting as they will. In such a case, is the corporation bound to act strictly in accordance with the Act, or can it provide similar services in its own way, under its common law powers? For instance, the Education Act, 1944, lays down a procedure for establishing a new school. A borough council might build a school, ignore the procedure laid down, and claim that it acted under its common law power, as a chartered corporation created by the Royal Prerogative.

The answer to this question, it is submitted, is to be found in a consideration of the nature of charter corporations as having their existence by virtue of the Royal Prerogative. If a clear principle can be found which regulates the power of the Prerogative where it exists in a field covered also by statute, this will provide a valuable guide to the status of the creatures of the Prerogative in similar circumstances.

The leading case on this point is *A.G. v. De Keyser's Royal Hotel* (1920) A.C. 508. In the course of his judgment Lord Atkinson used these words :

"It is quite obvious that it would be useless and meaningless for the legislature to impose restrictions and limitations upon and to attach conditions to the exercise by the Crown of the powers conferred by a statute, if the Crown were free at its pleasure to disregard these provisions, and by virtue of its prerogative do the very thing the statutes empowered it to do. One can not in the construction of a statute attribute to the legislature (in the absence of compelling words) an intention so absurd. It was suggested that when a statute is passed empowering the Crown to do a certain thing which it might theretofore have done by virtue of its prerogative, the prerogative is merged in the statute. I confess I do not think the word 'merged' is happily chosen. I should prefer to say that when such a statute, expressing the will and intention of the King and of the three estates of the realm, is passed, it abridges the Royal Prerogative while it is in force to this extent : that the Crown can only do the particular thing under and in accordance with the statutory provision and that its prerogative power to do that thing is in abeyance. Whichever mode of expression be used, the result intended to be indicated is, I think, the same—namely, that after a statute has been passed, and while it is in force, the thing it empowers the Crown to do can thenceforth only be done by and under the statute, and subject to all the limitations, restrictions and conditions by it imposed, however

unrestricted the Royal Prerogative may theretofore have been." If the Royal Prerogative be thus abridged the charter corporations which it creates cannot be in any stronger position in similar circumstances. Thus it follows that the power of a municipal borough to act freely as a natural person applies only in those fields not covered by statute. In a field to which no statute applies the corporation may act in any way in which a natural person may ; in a field to which a statute applies the corporation must act in accordance with the statute." (This view is supported by dicta of Lindley, L.J., in *London Association of Shipowners and Brokers v London and India Docks Joint Committee* [1892] 3 Ch. 242.)

In *A.G. v. Leicester Corporation* a specific power in an Act to spend money in connection with the transport undertaking was considered by Bennett, J., to be purely financial in its application, aimed at avoiding the restriction in the Act of 1882 and so not involving the general principle expressed by Lindley, L.J., in the above case.

The practical importance of this view is limited by the fact that the Central Government can exert such detailed control over local authorities in many ways, particularly financial. Moreover, Borough Councils have been very reluctant to rely on the principles of the decision in *Attorney-General v. Leicester Corporation* ; whether from fear that it might be reversed by a higher Court or for other reasons one cannot say. The Corporations of the early 19th century had no such qualms ;³

The result of this inquiry may be summarised in the following propositions:

1. Chartered Corporations are not subject to the principle of ultra vires.
2. The parts of the Municipal Corporations Act, 1882, which formerly restricted their spending power are now repealed.
3. Chartered Corporations can now do anything a natural person can, except in a sphere covered by

statute, in which case they must comply with the statute.

4. Statutory Corporations are subject to the principle of *ultra vires*.

If this be the true view of the law, what are the practical results?

It means firstly that there is an unintentional and arbitrary distinction between the powers of the boroughs and of all other types of local authority. And secondly it means that the Council of a borough, as the governing body of the corporation, has some degree of freedom in undertaking new enterprises

not directly authorised by Parliament; it cannot do this in any case where the rights or property of any other person would be infringed, and it cannot do this in any sphere covered by statute. Moreover, the control exercised by the Central Government through grants, loans and sanctions and licences might create obstacles to the use of these powers. On the other hand, they relieve the municipal corporations in some degree from having to ask perpetually what statutory authority there is for proposed improvements to their social services.

¹ See also *A.-G. v. Manchester Corpn.* [1906], 1 Ch 643, where Farwell, J., expressed similar views.

² Mr. W. Carlyle Crossdell, in two articles in the *Justice of the Peace*, 1944, criticised this judgment; his view appears also to conflict with the Manchester and Leeds cases referred to above.

³ The case of *Richter v. Hughes* (1824), 2 L.J.O.S., KB 61, sometimes quoted as an early example of the application of the doctrine of *ultra vires* to municipal corporations, does not deal with a chartered, but with a statutory body.



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Post Office Parliamentary Questions

By ANNE PHILLIPS

The Parliamentary Question has for long been regarded as an important device for Parliamentary control of the Executive. In the case of the newly nationalised industries, however, every effort is being made by Ministers to avoid the use of this device. The exact position has still to be decided, but it would appear that Ministers are trying to establish a distinction between major issues of policy or acts for which they are responsible and the day to day affairs of the Boards, and refusing to answer questions about the latter even should they get past the Speaker. It was largely to free the management of the nationalised industries from this kind of detailed control that the public corporation form was adopted. The management were to be left free to get on with their job without the inquiries and pressure of a perpetual shareholders' meeting. There were, of course, other forms of day to day control which the Government were trying to avoid when they established these Corporations, but the Parliamentary Question is such a well-established device of public control that it is worth giving some attention to it. One way of doing this is to analyse the experience of the Post Office over a period of years and by noting the kind of question considered, if only by implication, the extent of the loss to public control if such questions had not been answerable in the House of Commons.

The Post Office is as much of a Trading Service as many of those now being unified in a Public Corporation. Had it been set up as such about 50 years ago, what would have been the effect on Parliamentary Questions? The answer to this cannot be given without a previous analysis of the type of questions that were asked about the Post Office over the last 50 years. It was therefore decided to analyse the Parliamentary Questions to this Department for three years, the Sessions 1906/7, 1936/7 and 1946/7.

Total number of Questions

The total volume of Parliamentary Questions has grown steadily, though irregularly, over the last 50 years. Although the time allowed for asking Questions in the House has not altered over that period (except temporarily during the two Wars) the total volume of questions has. Oral (or starred) questions may be put on the first four days of the week between 3 p.m. and 3.45 p.m. Since 1902, written (or unstarred) questions can be put down, for answer in writing. The total number of questions has varied between 4,536 (1903) and 27,313 (1945). The number of unstarred questions in any one year has only exceeded 4,000 in 1919, 1929 and 1945, all of which were rather exceptional years, being end-of-war years, or witnessing a change of Party in Office (or both). It is therefore in the number of starred (or oral) questions that we must seek the change, and as the time allotted to these has remained unchanged, one of three things may have happened:—the number of supplementary questions may have been drastically reduced (we know very little about this, but, judging from examples given later about the Post Office, quite the contrary has happened): or the range covered by each individual question may have narrowed: or the answers given may have become gradually less exhaustive—this is certainly borne out by answers given by Postmaster-Generals during certain years to be considered below.

The total number of questions nearly doubled (to 11,865) from 1905 to 1906, then increased fairly steadily to nearly 20,000 in 1913. In 1936 they amounted to 11,769 and in 1946 to 17,310. Some of the ups and downs in the number of questions may be due to the fact that the length of the Parliamentary Session varies somewhat, and, though the average is approximately 149 days per session, a longer or shorter session may mean more or fewer days in which questions may be

asked in any specific year. This does not, however, explain the long-term upward trend in the number of Parliamentary Questions.

These figures do not prove that the extension of any one public service carries with it an increase in Parliamentary Questions on that particular service. For, whilst the total of Parliamentary Questions showed an upward trend, an analysis of one particular Department, the Post Office, showed a very marked decline. In 1906, 595 oral and written questions were addressed to this Department (and 55 Supplementary Questions); in 1936 the number had declined to 233 questions (with 108 Supplementaries); and 1946 brought 313 (with 134 Supplementary Questions). These figures are exclusive of Questions concerning the B.B.C., answered by the Postmaster-General. In other words, Questions about the Post Office were 5 per cent. of the total in 1906 but less than 2 per cent. in 1946.

Whilst the number of Parliamentary Questions on the Post Office thus declined over a period of about 40 years, the volume of Post Office business increased very rapidly over the same period. The number of letters delivered in the United Kingdom increased from about 3,000 million in 1906 to nearly 8,000 million in 1936; the number of parcels handled from 105 million to 175 million; and the number of trunk calls put through by the Post Office rose from 20 million to 100 million. In 1946 the four-millionth telephone was installed, and installations were progressing at the rate of some hundreds of thousands annually. Other business, as the savings bank, experienced equally large extensions of both a quantitative and qualitative nature. Yet the number of Parliamentary Questions actually declined.

Staff Questions

By far the largest group of questions in 1906 concerned the conditions of employment of post office staff, numbering 186 out of a total of 595 questions. Of these, 75 dealt with wages, and this in spite of the fact that on the 20th

February, 1906, Mr. Buxton, the Postmaster-General, had set up a Select Committee on Post Office Servants to inquire into the adequacy of their remuneration. The setting up of this Committee precluded any consideration of the general conditions of work whilst the Committee was sitting and therefore questions on these conditions were discouraged and not answered when they were asked, as Mr. Buxton maintained that "it must be left to their (the Committee's) discretion . . ." as to what witnesses they would hear, "what classes of post office servants are covered by their reference," etc. This embargo on information concerning wages, etc., however, only affected the broader issues involved and did not preclude questions concerning minor issues of a local or individual character and, of all the questions asked, only six were actually refused an answer. None the less, the mere fact that questions coming within the scope of the Committee's reference were not likely to receive attention will have reduced the number of those actually put on the Order Paper, and it is fair to assume that even more would have been asked had this Committee not been set up to deal with the issue. Quite apart from this group of general questions concerning wages, nearly 70 were put, with regard to rates of pay to learners, increments due in specific cases, remuneration to sub-postmasters, fines imposed for misconduct or unpunctuality, sick pay and pensions. The majority of these concerned individual cases of hardship or cases where the recognised rate was not being paid, where men were being paid unskilled rates whilst doing skilled jobs, etc.

Apart from the setting up of the Select Committee, one further step was taken by Mr. Buxton which was likely to reduce the discussion of disputes in public. He announced that he was willing to "recognise any duly constituted association or federation of postal servants" and would receive representations "from the members or representatives of the associations . . . on matters relating to the service as a whole or on matters affecting the class or

classes of servants of which the association is representative." Years later the establishment of Whitley Councils in the Civil Service in 1920, with two Departmental Whitley Councils in the Post Office (the one representing the manipulative and clerical staffs and the other the grades included in the engineering and stores Departments) and a network of office committees subordinate to the Main Councils, enabled the Department to settle most problems concerning staff conditions within its four walls, and recourse to Parliamentary Questions was only taken when other machinery failed. It is not surprising therefore that there were only three questions concerning wages in 1936.

Similarly, the number of questions dealing with staff conditions other than wages declined. In 1906, 45 of these (excluding anything concerning postmen) comprised a variety of topics such as leave facilities for camp attendance for volunteers, facilities granted to employees taking examinations for promotion, time off granted to telegraph messengers for educational purposes, holiday arrangements in different establishments, overtime in general or Sunday duty of telephonists in particular, irregular hours worked in many post offices, overcrowding of telephone operators at certain exchanges, or the conditions of work and pay at the Mount Pleasant Post Office factory. Another 18 questions concerned postmen, the long hours of duty put in (especially by rural postmen), the excessive weight some had to carry, Sunday duty, upkeep of uniforms etc.

A large number of questions also centred around promotion and the filling of vacancies at local offices. Thus, 48 appointments were challenged on the grounds that they had been insufficiently advertised or that the wrong person had got the job. The main questions related to the appointment and promotion of sub-postmasters and medical officers, but even posts of lesser importance did not escape the notice of Members of Parliament. In

1936, on the other hand, there were only 8 questions about appointments and promotions, dealing with transfers or the selection of seasonal staff (for Christmas deliveries, for instance) and these mainly concerned the appointment of ex-service men. A forty-hour five day week was also mentioned. Most of the 7 questions dealing specifically with telephone and telegraph staff dealt with overtime and recruitment of additional staff.

In 1946, of the 32 questions on staff matters, over a quarter dealt with dismissals or the employment of temporary staff, their re-engagement in the same or other Departments or their pensions (rather the lack of pension provisions to temporary staff). This emphasis was to be expected in view of the increased number of temporaries due to war-time conditions. The position of the unestablished long service men was queried. There was one question which demanded improved pay and none for the reduction in hours, except for the introduction of a five-day week.

Undoubtedly the setting up of machinery within the Post Office for the discussion of staff matters is the main reason why they no longer loom large in the topics raised in Parliament.

Other Questions

Although the conditions of employment in the Service attracted great attention in 1906, they were by no means the only issues raised in Parliament. Members were just as keen to inquire about the conditions of the Post Office buildings, their location, size, convenience and under- or over-staffing. Of forty questions concerning specific post office buildings, 25 were about the erection of new premises, their costs, estimates, period of construction and the terms of contract under which they were to be built. The rest concerned the conditions of buildings already in existence; inadequate accommodation for employees or customers; shortage of staff causing delays; periods of opening (whether sub-post offices were shut on half days, whether they

were open for too long, or whether they were closed down altogether owing to insufficient demand); and licensed premises being used for post office purposes. This even caused anxiety in 1936. During that year there were ten demands for opening new premises, and four in 1946 out of 11 questions concerning local post offices. In 1946 complaints were also made about the lack of facilities of one post office, the refusal of another to accept telegrams and registered letters on Good Friday, and the heating of a third after the date at which, to save fuel, no heating was to be allowed in public buildings.

Very much discussed was the efficiency with which mail was collected and delivered. The delay of a single letter could evoke a Question in Parliament, and the minutest details were brought out. A postman who had discontinued leaving mail for a certain clerk on a certain desk, and who had left it with the hall porter of the establishment instead, was criticised in 1906, and the Postmaster, with his usual willingness to investigate all complaints, promised to look into the matter. Irish M.P.s in particular were incensed at the delay in delivery of up to a whole day of letters addressed in Irish, and there were a series of complaints regarding the facilities at the House itself. Even the times of collections of individual pillar-boxes were scrutinised; but by far the largest number of complaints concerned the times and frequency of delivery in various parts of the country. M.P.s unceasingly demanded improved and additional deliveries, including even Sunday deliveries. In the case of 50 of these complaints, the Postmaster-General promised that he would either give instructions to speed up the service or hold an inquiry with the same end in view. Seventy-four questions of this nature were dealt with in 1906.

In contrast, only seven complaints were made 30 years later, two of which concerned the delivery of the Christmas mail and most of the others deliveries to our Islands, which had been unpunctual owing to bad weather and fog.

Presumably, the service was satisfactory in that year. Not so, however, ten years later, when the service was much curtailed owing to the Fuel Crisis in the bad winter of 1946/47, and the abolition of split duties, both of which reduced the number of man-hours applied to collections and deliveries. There were many complaints about the inconvenience to which the general public, and the business world in particular, was put owing to a reduction in the postal services. Out of a total of 36 questions on collections and deliveries of mail, 15 alone dealt with insufficient deliveries mostly suggesting that the second daily delivery be put forward from before lunch to the afternoon. Some requested the reintroduction of a second delivery, and one very humbly asked whether the only daily delivery in some villages of his constituency could not take place a little earlier than 7 p.m., which was all the post office was able to provide! Seven questions dealt with the curtailment or abolition of collections, in particular the curtailment of late afternoon or evening collections in the London area and the big provincial towns. Apart from these, there was the usual complement of "delayed" correspondence, mostly due to bad weather or to the Christmas rush.

M.P.s were always anxious to improve the overseas mail and parcel service and put forward many suggestions for alteration of routes which were to save time and speed up deliveries. In 1906 they queried all contracts with companies which were not entirely efficient, and no doubt contributed, by their watchfulness, to the service being kept up to date and to the elimination of the most inefficient of the mail-service contractors. The number of such queries decreased from 25 in 1906 to six in 1936 and four in 1946. Most of the queries in the latter two years were concerned with air mail routes, a service of growing importance. Some concern was expressed at the Fly British maxim adopted by the Post Office, for in many cases, it was suggested, letters could be sent more rapidly in foreign planes but were sent by a longer route in order to be carried

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by British aircraft. The possibility of using helicopters was breached in 1946, but it was not until June, 1948, that the first helicopter was used in England for the delivery of the local mail in East Anglia.

The question of postage rates occupied much Parliamentary Question Time in the years under consideration. Of 34 questions in 1906, a substantial number concerned "cheap rates" for various groups of people: the blind, Members of Parliament, Army or Navy Stations abroad, the United States or the Empire. Even such a "minor" point was raised as an overcharge to a certain gentleman in Portsmouth (the overcharge amounting to a penny which had been unjustly imposed). The question of cheap rates for members of the Forces stationed abroad was again raised in 1936, and resulted in the often demanded reduction in that year. There was a persistent demand for the reversion to the penny postage and reduced charges on Christmas mail. Of the 19 questions dealing with rates in 1946, five were concerned with charges for air-mail letters and an equal number with parcel postage rates. Every one of the latter concerned the rates charged by foreign governments on gift parcels (mainly food) to this country, including Canada, Australia and South Africa. Although the Postmaster-General was not responsible for the rates charged by other countries, he promised to consider a reduction of most of the air-mail charges from England, and succeeded in reducing them in several cases. A few questions were again put about a reversion to the penny postage and charges to our troops abroad.

Members of Parliament seek a mass of statistical data at all times. It is sufficient to point out that a very large percentage of this is obtained, not for the information itself, valuable as this may be, but for the sake of making a point which it would be difficult to bring out under the more usual form of the Parliamentary Question, or in order to put an awkward Supplementary Question. The most numerous statistical queries relate to employment figures,

overtime or absence due to sickness, pensions or superannuation, the cost of labour, mail lost or handled, compensation paid, the gross value of specific Departments, profits, etc. There were 31 such questions in 1906, 46 in 1936 and 38 in 1946.

Other questions on the Post Office were concerned with a variety of topics covering the Post Office Savings Bank (fraudulent withdrawals ranking very highly amongst these), the transmission of offensive postcards, lottery tickets transmitted by mail from abroad, the issue of stamps to mark special occasions (i.e., the Coronation in 1936), the treatment of horses driven in mail vans, etc.

Telephones

So far we have not touched on a very important field of the post office: that comprising the telephone and telegraph services. Few complaints were levelled against the workings of either in 1906, though it must be appreciated that the National Telephone Co. was the body mainly concerned with the provision of individual telephones. Altogether 78 questions were put, some to draw attention to the areas demanding an extended service and others insisting on improvements of the existing service.

In 1936 the total number of questions on the telephones and telegraphy was somewhat higher and in 1946 higher still (82 in the former and 103 in the latter year) although, as has been pointed out, the sum total of Questions to the entire Department was much reduced. The reduction of telephone rates in 1936, coupled with an extension of the service, and technical improvements contributed much, no doubt, to this increase. For more and more members of the public were beginning to have personal experience with, for example, the telephones, and the more the general public is in immediate contact with a service, the more likely is it to harass M.P.s with demands for improvements or cheaper rates. Thus, in 1936, five questions sought to induce the Postmaster-General to reduce telephone charges or to extend the period of cheap

trunk calls by several hours. In 1946, of nine questions on charges, three sought the abolition of charges on emergency calls, two a reduction of night telephone rates and one sought to extend the number of free calls by subscribers from 50 to 200.

The provision of telephones seemed very satisfactory by 1936. In London, 89 per cent. of the orders were executed within one week of receipt of the order, and 96 per cent. within two weeks. For the rest of the country, the corresponding figures were 76 per cent. and 87 per cent. respectively. Most of the questions seeking an extension of telephone lines in 1936 and 1946 concerned the Western Isles, the Shetlands and Orkney, Alderney and Ireland.

M.P.s also sought to get a promise from the Postmaster-General regarding the institution of the Automatic Exchange in their respective constituencies, but it is unlikely that either of these questions were anything but reminders to the Department that so and so area was still in need of the improvement. They were less likely to initiate the erection of the new service, which was very much dependent on the volume of expected users, than to speed up the construction of it once it had begun.

Complaints by way of Parliamentary Question regarding the telephones and telegraphs were never very widespread. In 1906, 16 delayed telegraphs were notified, and most of these were found to be inaccurate on closer examination, but no one criticised the speed with which telephonic communications were effected. In 1936, following the introduction of the cheap night call rate, the main complaint was the difficulty of getting through trunk calls to outlying districts at night time, and the same difficulty was experienced ten years later. In that year it was also stated that there was "widespread dissatisfaction" at the delays of the telegraphic service, but no proof was brought to substantiate this charge, and there was only one instance of a telegram that had actually been held up notified during the whole of that year. The only serious failing of the telephone

system in either of these years concerned the long time spent waiting by would-be subscribers before they could have a telephone installed on the premises. In 1936 this was due to a sudden reduction in the tariff, resulting in a very sudden increase in the demand for new lines, and in 1946 the delay was entirely due to staff shortages and could be put down to the effects of the War.

Statistical information regarding telephone and telegraph management was sought to bring out dissatisfaction at overtime worked (how many women operatives were doing more than a certain number of hours' overtime at a given exchange) delayed telegrams (how many telegrams were not delivered in so many hours between certain localities on Derby Day, or what was the number of telegrams between Liverpool and London taking over two hours during a certain month), delay in telephone installation (how many villages in Wales with a population exceeding 100 were without telephone facilities), etc. Sometimes such information was indeed of a purely factual nature, giving the number of telegrams dispatched between certain areas over a stated period, the increase in telephone subscriptions, the number of calls made to TIM, the additional cost per mile of underground wires, the average duration of calls, etc. In 1946, 15 out of 34 of these questions dealt with the number of applicants on the waiting list at any given exchange who had had their name down for a new telephone for one, two or more years respectively, and whose application was still outstanding.

Summary

Whilst allowing for the reduction in the aggregate of post office questions over the years under consideration, it is important to note the shift from one type of question to another.

The table below sets out the number of questions put under various headings and the proportion of these to the total number of post office questions. It shows that the type of questions over nearly half a century has not undergone any great change, and that a disproportionate number of questions on any one

POST OFFICE PARLIAMENTARY QUESTIONS

subject is only asked when something has clearly gone wrong, viz., the lack of proper organisation of staff conditions (1906) or the curtailment of postal facilities (1947). This point is further illustrated by the example given of the questions on telephone installations after the second World War, where widespread dissatisfaction at the arrears resulted in the asking of 15 questions, all

seeking "purely statistical" information, but always complaining, in a more or less veiled form, about the length of time that elapsed between an application for a new telephone and its eventual installation. All the queries about the number of applicants on waiting lists were of this nature, and constituted 4.8 per cent. of all questions asked during that year.

Topic	Number of Questions			Proportion to Total		
	1906	1936	1946	1906	1936	1946
On Post Office only	517	151	210	86.9	64.8	67.1
On Telephones only	78	82	103	13.1	35.2	32.9
Total Number of Questions ...	595	233	313	100	100	100
Staff Questions, P.O. and T. ...	186	29	32	31.3	12.4	10.2
Collections and Deliveries ...	74	7	36	12.4	3.0	11.5
Points about Post Offices ...	40	12	11	6.7	5.2	3.5
Postal Rates	34	13	19	5.7	5.6	6.1
Mail Service Routes	25	6	4	4.2	2.6	1.3
Automatic Tel. Exchanges ...	—	10	5	—	4.3	1.6
Telephone Charges	—	9	5	—	3.9	1.6
Complaints	—	9	6	—	3.9	1.9
Extensions, Lines and Cables ...	—	7	13	—	3.0	4.2
Kiosks	—	11	13	—	4.7	4.2

As could be expected, there was both an absolute and a proportional increase in inquiries regarding the telephone and telegraph systems. This was partly due to the greater amount of State control over the telephone service since 1911 (when the National Telephone Company was taken over by the Post Office) and the fact that the expansion of the telephone service between 1906 and 1936 was proportionately greater than the corresponding expansion of the postal facilities.

The most noticeable shift of interest lay in that shown in conditions of postal employees. In 1906, 186, or nearly one-third of the total, dealt with these in one way or another—75 with wages alone—and 48 with appointments and promotions. They were a reflection of the unsatisfactory conditions of employment in the Department and the fact that there was as yet no other machinery to deal with such conditions: The Select Committee's recommendations of that year, the willingness of the Postmaster-General to recognise trade unions, and the setting up of Whitley Councils in 1920, undoubtedly relieved the pressure on Parliamentary time in later years. In

1936 and 1946 only 12.4 per cent. and 10.2 per cent. of all the questions were devoted to staff matters.

Other causes might explain the shift of interest shown in postal collections and deliveries. Although one cannot say of any one year that it is normal from any particular point of view, there is no reason to assume that 1936 was particularly "abnormal" for that period, as far as collections and deliveries were concerned. During that year only seven questions were asked about this aspect of the service, indicating that it was as satisfactory as could reasonably be expected, and was not, at any rate, in the forefront of public controversy. In 1906, on the other hand, when the lack of sufficient mechanical transport entailed a delivery service which was still done almost entirely on foot, and again in 1947, when a drastic curtailment of collections and deliveries aroused considerable criticism. Thus in 1946 the proportion of Post Office questions concerning mail collections and deliveries was 11.5 per cent. as against 12.4 per cent. in 1906, whereas it had been only 3 per cent. in 1936.

Apart from the above-mentioned items there is a good deal of similarity in the proportion of questions. The proportion of questions on postal rates, for example, hardly varied at all, being 5.7 per cent., 5.6 per cent. and 6.1 per cent. (of all questions) for the three years under consideration, and similarly other groups were not much further out.

Conclusions

Let us suppose, then, that the Post Office had been a public corporation. Here, it is first necessary to point out that all manner of questions concerning the Post Office were not only put but they were also *answered*—and in great detail and with the utmost courtesy! Especially in 1906, when answers to the simplest questions, deserving little more than a “yes, sir” or “no, sir” from the Minister, frequently took up several columns of Hansard. A small exception to this rule was the refusal of Mr. Buxton to discuss matters which had been referred to the Select Committee on Post Office servants in 1906. Never did he, however, refuse to answer questions on matters of “day-to-day management,” not even when these did come within the jurisdiction of the Select Committee. Nor were questions ever left unanswered in 1936 or 1946, except when it was impossible to compute the answer. (For instance, Major Tryon, the Postmaster-General, was unable to state the amount or the value of letters lost in transit through the post during the year 1936.)

There was never any suggestion that the numerous questions were hampering the free development of our postal system. On the contrary, the many detailed reports and enquiries resulting from Parliamentary Questions on all and every aspect of the daily routine showed where improvements were possible and where mistakes had been made, and they very often led to a promise of a better service. In 1906, in fact, 108 enquiries of one kind or another were promised by the Postmaster-General, which amounted to very nearly one enquiry for every five questions put. This shows (together with the frequent “. . . having made

investigations on this point, I am glad to announce an improvement in . . .”) that the Department itself was aware of the bracing effects of publicity. If further proof were wanted that the Postmaster-Generals were not, on the whole, averse to being submitted to this game of question and answer, we need only look at some comments made by Sir Kingsley Wood, Postmaster-General in 1932, quoted in the Bridgeman Report on the Post Office. “It cannot be denied that Parliamentary intervention in the minor details of daily administration may be harassing and sometimes vexatious . . . At the same time . . . this insistence on the supposed results of Parliamentary intervention in matters of detail is somewhat unduly stressed, and, . . . in the long run, the advantages of the power of Parliamentary intervention outweigh its disadvantages. It seems that where complaints are expressed against a business so closely in contact with the everyday lives of the public as the Post Office, some means of ventilation is necessary, and on the whole . . . the House of Commons provides the best machinery for this purpose.”

Had the Post Office been submitted to the rules pertaining to the public corporation, we would have never had this advantage of the power of Parliamentary intervention.

Few of the questions actually put would have been allowed had the activities not been the direct responsibility of a Minister. We have seen that, far from being overwhelmed with ever-increasing numbers of questions, the Post Office experienced a decline as difficulties were solved and whenever the administration was proving more efficient. As things settled down to “normal” (if there is such a thing as a normal in these matters), that is, as administrative difficulties, as opposed to technical difficulties, were solved the need to air grievances in public decreased. Is there any reason to assume that other industries would fare differently? They would all go through a stage of vehement criticism following their nationalisation, not so much because at

last there was an opportunity to criticise, and long-pent-up questions could be brought up, but merely *because* they were nationalised; for those who objected to such experiments would try their utmost to discredit the system by picking on all the "hitches," technical or otherwise, they could unearth. But the novelty and usefulness of petty criticism would soon wear off, and, provided the industry held its own under national ownership, questions would settle down to a more manageable level. If the industry should prove a failure, what better means could we have for a timely warning than an increasing stream of Parliamentary Questions?

It is sometimes maintained that, in the case of our modern public corporation, the need for Parliamentary Questions has been reduced by the fact that all matters outstanding can be raised in Debate, and that there are better methods of airing views than asking Questions. Certainly, matters can be so brought up, but there is very little difference here between the procedure to be adopted in the case of public corporations and that of the Post Office. It must not be supposed that, because there have been a large number of Questions concerning the Post Office, other methods of criticism against the Department had been neglected. In each of the years under consideration there were, in fact, Debates as well as

Questions. In 1906, for instance, a debate on the Post Office Estimates took up 70 columns of Hansard, whilst the Debates on the Post Office and Telegraph Resolution and Bill, and on the Post Office Appropriation Bill in 1936 between them were nearly as long. In 1946, apart from the Easter Adjournment Debate on Postal Reform, that on the Estimates in Supply took up 120 columns of Hansard and ended in a division. It is also worth noting that the P.Q. is not the only way in which individual M.P.s question or approach a Minister. M.P.s have a heavy correspondence with Ministers mainly about points raised by constituents. In the case of the Post Office the volume of such correspondence rose from 2,000 letters in 1936 to about 5,000 in 1948.

Although Parliamentary intervention in the minor details of daily administration can be vexatious, has been so on occasions and certainly would be so temporarily upon any change of administration, the Post Office enquiry has shown that, in the long run, Parliamentary control has been highly beneficial. Progress would have undoubtedly been made without it, but it might well have been slower and less effective without the democratic control which Question Time provides, and it will be a great pity if we cannot give our other nationalised industries the same chances of development that the Post Office has enjoyed over the last half century.

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Loyalty of Federal Employees in the United States*

By MARVER H. BERNSTEIN

SINCE 1939 the United States government has devised a series of measures designed to control the "subversive activities" of its employees. Section 9A of the Hatch Act, enacted August 2, 1939, states:—

"It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any Act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States."¹

In retrospect the Hatch Act looms large in the history of control of "subversive" activity. However, Section 9A was originally merely incidental to the main purpose of the Act to "prevent pernicious political activities," such as the intimidation and coercion of voters and use of official authority for the purpose of interfering with election results.

Congress exhibited its first determined concern with "subversive activities" of public employees in June, 1940, when it empowered the Secretaries of War and Navy to remove summarily any of their employees in the interest of national security without regard to any provisions of laws, rules or regulations governing the removal of employees.² The power of summary dismissal was justified on the ground that:—

"In times like these it is of the utmost importance to the Navy and to the Nation that every single civilian employee be a loyal, patriotic worker, and that the Navy Department be permitted to remove without question any employee who is or might be a subversive element in our navy yards and gun factories or who, there is reason to believe, renders more loyalty to possible enemies of this country

than to the United States . . . The present law, in effect, makes the Navy Department wait until the act of spying or the act of sabotage has actually been accomplished and the damage done. It is the purpose of this proviso to prevent the execution of any such acts and to prevent the damage being done."³

By July, 1941, Congress was adding to all appropriation Acts a proviso that no part of the appropriation could be used to pay the salary or wages of anyone who advocated, or belonged to an organization which advocated, the overthrow of the government of the United States by force or violence.⁴ Prodded by Representative Dies, the Attorney General of the United States in October of 1941 directed the Federal Bureau of Investigation to investigate complaints made against federal employees alleged to be disloyal. Congress had previously appropriated \$100,000 for the Federal Bureau of Investigation to investigate federal employees "who are members of subversive organizations or advocate the overthrow of the federal government."⁵ Between 1942 and 1945, 6,193 cases were referred to the F.B.I. for investigation.⁶

The control of "subversive activities" became a prime concern of the executive branch by 1942. In March, 1942, President Roosevelt approved the War Service Regulations, issued by the Civil Service Commission, which specified that an employee of the federal government could be discharged on the basis of a reasonable doubt concerning his loyalty to the United States government.⁷ In April, 1942, the Attorney General created a Special Interdepartmental Committee on Investigations to suggest procedures for determining disloyalty and to review, on request, the records of individual cases and to render advisory opinions. Only in a few cases were advisory opinions requested. In February, 1943, President Roosevelt set up a new Interdepartmental Committee on

* Prepared with the assistance of Harold W. Chase, University of Delaware.

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Employee Investigations which replaced the Attorney General's Committee.⁸

In July, 1943, the House of Representatives attached a rider to the Emergency Appropriations Bill of 1943 forbidding the use of appropriated funds to pay the salaries of three government employees, Watson, Dodd and Lovett.⁹ Although the Senate and the President were opposed to the rider, the need for funds forced acceptance of the rider.¹⁰

After World War II, as relations between the United States and Russia continued to deteriorate, the federal government took further action to combat "subversive activities" of public employees. In July, 1946, Congress attached to the State Department appropriation the "McCarran Rider," which empowered the Secretary of State

"in his absolute discretion, on or before June 30, 1947, to terminate the employment of any officer or employee of the Department of State or of the Foreign Service of the United States whenever he shall deem such termination necessary or advisable in the interests of the United States . . ."¹¹

The Employee Loyalty Programme

In March, 1947, the President issued Executive Order 9835,¹² which set in motion the Employee Loyalty Program. Widespread public discussion of a number of very drastic proposals of the House Un-American Activities Committee preceded the order, and four days before the order was issued the Supreme Court refused to review a lower federal court decision which upheld the dismissal of an employee of the War Manpower Commission as a result of a finding by the Civil Service Commission that there was reasonable doubt as to his loyalty.¹³

The order requires a loyalty investigation of every person entering the civilian employment of any department or agency of the executive branch of the government. The head of each department and agency is held personally responsible for eliminating disloyal employees. In addition, each department and agency is directed to set up one or

more loyalty boards. Employees charged with being disloyal are granted the right to a hearing before a loyalty board. The decision of a department or agency in loyalty cases is subject to appeal to the Civil Service Commission's Loyalty Review Board; however, the Order stipulated that the Loyalty Review Board shall render only advisory decisions in appellate cases. Finally, the Attorney General is directed to furnish the Loyalty Review Board with a list of groups designated as subversive.

In connection with investigations of employees, the Order provides that:—

" . . . the investigative agency may refuse to disclose the names of confidential informants, provided it furnishes sufficient information about such informants on the basis of which the requesting department or agency can make an adequate evaluation of the information furnished by them, and provided it advises the requesting department or agency in writing that it is essential to the protection of the informants or to the investigations of other cases that the identity of the informants not be revealed."¹⁴

The standard for the refusal of employment or dismissal is that "on all the evidence, reasonable grounds exist for the belief that the person involved is disloyal to the government of the United States." The Order also lists the factors to be considered in determining disloyalty.¹⁵

1. "Sabotage, espionage, or attempt or preparations thereof, or knowingly associating with spies and saboteurs."

2. "Treason or sedition or advocacy thereof."

3. "Advocacy of revolution or force or violence to alter the constitutional form of government of the United States."

4. "Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of documents or information of a confidential or non-public character obtained by the

person making the disclosure as a result of his employment by the government of the United States."

5. "Performing or attempting to perform his duties, or otherwise acting, so as to serve the interest of another government in preference to the interest of the United States."

6. "Membership in, affiliation with, or sympathetic association with any foreign or domestic organization, association, movement, group, or combination of persons designated by the Attorney General as . . . subversive . . ."

Acting under the Executive Order, the Civil Service Commission on August 11, 1947, instructed departments and agencies with rosters of more than 100 employees to send to the F.B.I. each month a list of 15 per cent. of their total personnel to be checked against F.B.I. files. The Loyalty Review Board was established on November 8, 1947. Seth Richardson, a Washington lawyer, Assistant Attorney General in the Hoover Administration and counsel for the Congressional Committee investigating the Pearl Harbour disaster, was designated chairman.

The Board has authority

"to review cases involving persons recommended for dismissal on grounds relating to loyalty by the loyalty board of any department or agency and to make advisory recommendations thereon, [and] to make rules and regulations . . . deemed necessary to implement statutes and executive orders relating to employee loyalty."

In addition, it advises all departments and agencies on all problems relating to employee loyalty, disseminates pertinent information, co-ordinates loyalty policies and procedures, and makes reports and recommendations to the Civil Service Commission.

On December 27, 1947, Mr. Richardson outlined the aims and procedures of the Board. The Board would rely on the Federal Bureau of Investigation for basic investigatory needs. Preliminary investigations would be secret in order

to protect the reputations of loyal employees. In all cases employees would be granted a speedy hearing in private with the right to be represented by counsel and to introduce evidence. The "accused" need not be confronted by his accusers for the purpose of cross-examination. Richardson himself indicated that there was much opposition to the policy of non-confrontation of witnesses but concluded that "the objection to non-confrontation and no cross-examination, while important, is not essentially controlling."¹⁷ The policy of non-confrontation was also extended to preclude the disclosure of the contents of F.B.I. reports to the accused.

Acting under the order, Attorney General Clark released on December 4, 1947, the first of a series of lists of groups deemed subversive, with a statement that membership in and of itself did not constitute full proof of disloyalty. At the close of 1948 the Federal Bureau of Investigation had completed loyalty checks on 99.5 per cent. of all federal employees. 2,342,922 workers were cleared, while "derogatory information," which is not necessarily proof of disloyalty, was found in 7,667 cases. When "derogatory information" is found, a full-scale investigation is ordered. 6,989 such investigations were made and reported to the employing departments and agencies by January 1, 1949. Although no breakdown of the results of further investigations is presently available, it appears that evidence of "disloyalty" is found in only a small proportion of the investigated cases.

The loyalty review program authorized under Executive Order 9835 does not apply to agencies which have been granted power to dismiss summarily employees of doubtful loyalty. Such agencies include the Departments of the National Military Establishment, the State Department, and the Atomic Energy Commission.

The federal loyalty program has a significant impact on the rights and liberties of public employees. Where national security and individual rights are thought to have come into conflict,

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the loyalty program has resolved all doubts in favour of national security. Undoubtedly any loyalty test requires that such doubts be resolved ultimately in favour of national security. It is particularly important, therefore, that the loyalty program minimize as far as possible any danger to the rights and liberties of employees.

Four Aspects

The federal loyalty program attacks the liberties of public employees in four ways. First, the scope of the program is broader than necessary. Secondly, the standards for determining disloyalty are grossly deficient. Third, a verdict of disloyalty produces irreparable harm to the individual. Fourth, the elements of fair procedure are lacking.

1. *The scope of the present program.* The loyalty of all government employees is now subject to investigation. The application of loyalty tests across the boards is based on the premise that a Communist civil servant as such is a dangerous menace to national security and that the government must rid itself of Communists. The comprehensive scope of the loyalty program has obscured the fact that that great majority of employees are employed in positions where Communist affiliation or sympathy involves no danger to national security and has no bearing on the ability of an employee to carry out his duties satisfactorily.

The objective of a loyalty program should not be to rid the government of persons solely because of their political views but to prevent the employment of politically unreliable persons in posts where they might endanger national security. The only employees who might constitute a menace to national security are those who, because of their position in sensitive agencies like the Department of State and the Atomic Energy Commission, contribute to the making of policy or have access to significant confidential documents. Obviously such employees must be sound in judgment and discretion and must merit the confidence and trust of their supervisors. If, in the opinion of res-

possible supervisors, Communist affiliation or sympathy, whether overt or covert, has a *direct* bearing on the ability of an employee to exercise sound judgment and discretion on the job, such employee should be dismissed. Indeed, in many such positions a Republican should be dismissed, because sympathy with the political aims of the administration is a necessary qualification for a policy-forming officer. But no employee should be dismissed from an employment because of his views when those views do not constitute a real disqualification for the employment.

It should be feasible to designate which positions in sensitive agencies are in themselves sensitive in the sense that they involve policy-making or access to confidential and secret documents. If the scope of the loyalty program is narrowed to encompass only sensitive positions in sensitive agencies, the danger to individual liberty is minimized and at the same time the national security is safeguarded.

2. *The standards for determining disloyalty.* Under Executive Order 9835 and the regulations of the Loyalty Review Board, six categories of activities and associations of an applicant or an employee may be considered in connection with the determination of disloyalty. Four of these categories constitute activities which are already clearly illegal under the United States Criminal Code.¹⁸ They include sabotage and espionage; treason and sedition; advocacy of revolution or force or violence to alter the constitutional form of government of the United States; and intentional and unauthorized disclosure by a government employee of confidential documents under circumstances which may indicate disloyalty to the United States. These are offences for which the government may prosecute employees in federal district courts under the criminal statutes.

With the exception of the advocacy of revolution, force, or violence to alter our constitutional form of government, these categories deal with overt acts of disloyalty. The remaining two categories deal neither with necessarily overt acts

of disloyalty nor with acts already illegal under the criminal statutes. Because they add something new to the concept of disloyalty, they have become the crucial standards. They are :

" 5. Performing or attempting to perform his duties, or otherwise acting, so as to serve the interest of another government in preference to the interest of the United States.

" 6. Membership in, affiliation with, or sympathetic association with any foreign or domestic organization, association, movement, group or combination or persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocacy or approving the commission of acts or force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of Government of the United States by unconstitutional means."

In its own loyalty regulations, the State Department goes further and includes those persons who have habitual or close association with persons who are disloyal to the extent that they might divulge information voluntarily or involuntarily through such association, and also persons who have such a basic weakness of character or lack of judgment as to make them security risks.

Categories five and six above are designed to apply to employees or applicants who have not actually committed an overt act of disloyalty or who have not advocated violent overthrow of the government. Rather they are aimed at employees or applicants regarded as *potentially* disloyal and as having a *disloyal state of mind*. It would appear that a "potentially disloyal" person is one whose state of mind makes him susceptible to probable *future* illegal action. If the evidence proves that an employee has committed an act within the first four categories, the Loyalty Review Board and agency heads can readily and accurately conclude that "on all the evidence reasonable grounds exist for belief that the person involved is

disloyal to the Government." However, when possible future disloyal acts are under consideration rather than acts of commission, the determination of disloyalty is far less clear-cut. It apparently is based on guilt by association with organizations listed by the Attorney General as totalitarian, fascist, communist, or subversive. Despite the statement that "such membership affiliation or sympathetic association is simply one piece of evidence which may or may not be helpful in arriving at a conclusion," the loyalty program obviously lays considerable stress on categories five and six in determining whether an employee is likely to be disloyal in the future. "Sympathetic association" has not been defined by the Loyalty Review Board.

Because of the dangers involved in the unfettered authority of the Attorney General to designate subversive organizations and because of the great dangers to the rights of individuals involved in the doctrine of guilt by association, a clear distinction should be made between persons guilty of overt acts of disloyalty illegal under the criminal statutes and "potentially disloyal" employees. Overt acts are punishable in the courts; possible future disloyalty is not. As long as an individual has not committed a criminal offence but has merely displayed evidence of unsuitability for a particular position, "potential disloyalty" should not be grounds for dismissal from government employment. Rather the employee should be given an opportunity to transfer to a position where the alleged dangerous Communist affiliation or sympathy will have no bearing on the employee's suitability for the position. In all such cases the opportunity to resign without prejudice should be available.

Where these opportunities exist, public employees need not fear that the government will stigmatize them as potentially disloyal. To the extent that stigmatization on the grounds of disloyalty is precluded, the attractiveness and prestige of public employment are increased. This measure would at least rule out the possibilities inherent in the present program of intimidating employees

and of discouraging unorthodox ideas. Obviously it is in the public interest to maintain and develop the prestige and morale of public employment as well as a strong sense of initiative and imagination on the part of individual employees.

3. *The consequence of a verdict of disloyalty.* Under the loyalty program, an employee may be dismissed from federal employment and branded disloyal. Since the stigma of disloyalty will have extremely serious repercussions on the individual's ability to secure other employment and to maintain his place in society, a verdict of disloyalty should not be pronounced except after judicial trial in the federal courts under criminal statutes. Where the government has insufficient evidence to secure the conviction of a federal employee in a federal court for an act of disloyalty, the government should not label an employee as disloyal.

As the program now stands, the employee charged with disloyalty is guilty until he proves his innocence. Since the government cannot or will not prove its case in the courts, justice demands that the benefit of every doubt concerning disloyalty should go to the employee. However, Mr. Richardson stated on December 23, 1947:

"In the first place, the [loyalty review] board is of the opinion that, legally, the government is entitled to discharge any employee for reasons which seem sufficient to the government, and without extending to such employees any hearing whatsoever. We believe that the rights of the government in that respect are at least as equal to those possessed by private employers. We also think that the government, if necessary, may conclude that any suspicion of disloyalty whatsoever, however remote, might, in view of the dangerous possibilities involved, suffice to warrant employee dismissal without hearing."¹⁹

It is obvious that the government does have a clear right to hire or fire whomever it chooses,²⁰ subject to the regulations which it establishes for itself. But the

government has no right to exercise character defamation incidental to the process of hiring and firing employees. The right to hire and fire does not include the right to ruin an employee's reputation without just cause. If a private employer states that he has fired an employee as a chronic alcoholic or as a disloyal American, he is subject to a damage suit for slander. Under the loyalty program, the accused federal employee has no opportunity to answer the charge before an independent tribunal or trial court where the elements of fair procedure are provided, nor may he recover damages for libel or slander.

4. *"Trial" procedure.* However reluctantly, the new Loyalty Review Board has adopted regulations for testing employee loyalty which do not provide the fundamental elements of fair procedure. The refusal to permit the accused to be confronted by and to cross-examine his accusers has been justified by the need of the F.B.I. to protect its sources of information and the future usefulness of the government's informants. There is implicit in this argument the notion that the F.B.I. and other security agencies are engaged in activity so central to national security that the traditional judicial safeguards of due process do not apply.

The F.B.I. is not the only enforcement agency which utilizes secret informants. When enforcement agencies want to protect the identity of their informants, they obtain evidence which is legally admissible in a court. Without evidence which has been publicly exposed, they cannot obtain conviction. In a criminal prosecution for sabotage or sedition, the prosecuting attorney would not venture to argue that the need to protect the government's informants justifies the refusal to expose publicly the evidence of guilt. In view of the greater urgency involved in such cases, it becomes increasingly difficult to justify the refusal to divulge evidence publicly in disloyalty hearings. Moreover, the absence of this essential element of due process in an administrative proceeding certainly reflects the unwillingness of the executive

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branch to maintain procedures which normally characterize the judicial process. The issue of fair procedure is not only a matter of equity toward the accused employees but also bears significantly on the general capacity of the government to take action on the basis of accurate and reliable information. The apparent unwillingness of the government to establish standards requiring the demonstration of the accuracy and reliability of the "proof" of disloyalty in any specific case reflects an arbitrariness which is alien to democratic traditions. At the very least, it casts doubt on the willingness of the government to proceed accurately and reliably in matters of public policy.

The problems noted earlier in connection with the scope of the program, the standards for determining loyalty and the verdict of disloyalty have a cumulative effect on the problem of fair procedure. The broad scope of the present program increases the likelihood that the failure to insure fair procedure will produce inequities, if not miscarriages, of justice. Moreover, the application of loyalty tests to cases of "potential disloyalty" and "disloyal states of mind," with a possible verdict of disloyalty in the offing, substantially heightens the need for guarantees of fair procedure. In this connection the judgment of the President's Committee on Civil Rights is pertinent:

"... the procedure by which the loyalty of an accused federal worker is determined [should] be a fair, consistently applied, stated 'due process.' Specific rules of evidence should be laid down. Each employee should have the right to a bill of particular accusations, representation by counsel at all examinations and hearings, the right to subpoena witnesses and documents, a stenographic report of proceedings, a written decision, and time to prepare a written brief for an appeal."²⁰

The present procedural provisions do not require full revelation of charges, nor the production of witnesses and documents, nor the right of cross-examination.

Conclusions

The loyalty program of the United States government endangers the rights and liberties of public employees in four ways. First, the scope of the program is broader than is necessary to protect national security. Second, in the absence of overtly disloyal acts, there are no intelligible criteria for determining disloyalty. Although "sympathetic association" with an organization listed by the Attorney General as subversive has become the principal ground for dismissing employees as disloyal, the term has not been clarified or defined. Third, when employees are dismissed it is highly questionable whether the government should stigmatize them as disloyal. The interest of the government can be protected short of publicly branding individuals as disloyal Americans. And fourth, the procedure for hearing and determining cases of disloyalty is unfair. The essential problem now is to design an effective loyalty program which is committed to the proposition that the civil rights of government employees must be protected. There is no such commitment in the present program. Moreover, the failure of the federal government to protect the rights of its employees will

"... surely weaken the safeguards of the right of all citizens to speak freely and to organize in furtherance of their opinions. Here, as elsewhere, the federal government must set an example for the rest of the country by being uncommonly scrupulous in its respect for the civil rights of all citizens."²¹

²⁰ U.S. Code, Title 18, § 61 (i).

²¹ U.S. Code, Title 50, § 1156.

²² *Congressional Record*, Vol. 86, Part 7, p. 7023.

²³ See for example, 55 Stat. 576, § 303, Second Deficiency Appropriation Act, 1941.

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⁶ 55 Stat. 289 (1941).

⁷ The President's Temporary Commission on Employee Loyalty, *Report*, p. 16. . Of the 6,193 cases, 1906 of the persons involved were no longer employed by the federal government ; in 1,114 cases the investigative reports disclosed that the original complaints were totally unfounded ; 101 individuals were discharged as a result of the information developed during the course of the investigations ; 21 persons resigned while the investigations were in progress ; in 75 cases administrative action, other than dismissal, was taken.

⁸ 7 Fed. Reg. 7723 (1942).

⁹ Exec. Order No. 9300, 3 Code Fed. Regs. 9300 (Cum. Suppl. 1943).

¹⁰ 57 Stat. 450 (1943).

¹¹ The employees continued working and later sued for their pay. The case eventually reached the Supreme Court, where it was ruled that the rider was a bill of attainder and, as such, unconstitutional. See *U.S. v. Lovett*, 328 U.S. 303 (1946). It is significant that Congress was incensed over the alleged "leftist" views of the three employees at a time when Russia was an ally.

¹² Public Law 490, 79th Congress, Chap. 541. Renewed by Public Law 166, 80th Congress, Chap. 211.

¹³ 12 Fed. Reg. 1935 (1947).

¹⁴ *Friedman v. Schwellenbach, et al.*, 159 F. (2d) 22 (C.C.A., D.C., 1946) ; certiorari denied, 330 U.S. 838 (1947) ; rehearing denied, 331 U.S. 865 (1947).

¹⁵ Executive Order 9835, Part IV, 2.

¹⁶ *Ibid.*, Part V.

¹⁷ Executive Order 9835, Part III, 1A and 1B.

¹⁸ "Aims and Procedures Are Outlined by Loyalty Board," *New York Herald-Tribune*, December 28, 1947.

¹⁹ 18 U.S. Code, § 1-17.

²⁰ U.S. Civil Service Commission, Statement by Seth W. Richardson, Chairman of Loyalty Review Board, December 23, 1947 (mimeographed release).

²¹ President's Committee on Civil Rights, *To Secure These Rights* (Washington : Government Printing Office, 1947), p. 165.

²² *Ibid.*, p. 51.

Delegated Legislation and the Public

By HARRY STREET

SINCE 1932, when the Committee on Ministers' Powers conferred at least its qualified blessing on delegated legislation, it has not been seriously denied that delegated legislation is a necessity. Attention has rightly been turned to securing the smooth and just exercise of these rule-making powers.

Three organs can provide safeguards against abuse—Parliament, the courts and the public—and it is with the third of these that this article deals. Presumably, the framer of delegated legislation has the following objectives in mind: to obtain the best possible administrative action, to convey a sense of justice to those affected by that action, and to win their co-operation in its execution. These objectives can be attained only if at all stages there is close liaison with the public.

CONSULTATION OF THE PUBLIC

What part should the public play in the making of delegated legislation? The hasty reply may be that the process of administrative rule-making is essentially similar to that of legislation and that its procedure should be patterned after that of Parliament. Yet Parliament is representative of a cross-section of the community, and, in theory at least, its members therefore bring to bear on the performance of their duties the current opinion and knowledge of the public. The department drafting delegated legislation, on the other hand, does not ascertain and register the sovereign will of the people: Parliament has already done that. Working out of the public gaze and free from direct electoral control, it makes discretionary choices within the field assigned to it by the enabling statute. These assignments are often made because of the complexity or technicality of the subject-matter, and in consequence they frequently can be carried out only if outside opinion is taken or conflicting public viewpoints weighed in the balance. In short, parliamentary methods are inappropriate if the administration is to elicit

systematically and specifically the information and probabilities necessary to fair and intelligent action.

Nor is English practice very helpful on the matter. Statutes are usually silent as to consultative measures in rule-making, with the result that the departments decide what informal consultations are held, and, indeed, whether there are to be any at all. It does seem to be the practice to consult organised bodies directly affected by proposed rules. Occasionally statutes (for example, the London Traffic Act, 1924) require a Minister to consult a statutory advisory body. The National Insurance Act, 1946 (section 74), goes further in requiring the observations of the statutory committee on proposed regulations to be submitted to Parliament along with the draft regulations. A perusal of the reports of this committee shows what valuable amendments and criticisms it is making. Some Acts (for example, the Road Traffic Act, 1930 (section 111 (2)), provide that "the Minister shall consult with such representative organisations as he thinks fit." Such a requirement is without legal effect: if the Minister makes regulations without consulting any organisations whatever, their validity is in no way affected. Another device, mainly used when the contemplated administrative Act is local in scope, as, for instance, in the New Towns Act, 1946, is for a civil servant in the department concerned to hold a public inquiry and report back to the Minister. One searches in vain for the application of any consistent principles in the choice of the particular procedure.

It is, however, suggested that the following points are relevant when the extent of public participation in rule-making is under consideration.

(1) Does the problem directly affect private interests or is it a matter of Government routine? If, for example, the question is merely the business hours of a Government office, then clearly there is less need for the public to have a

voice in the matter than if a department is drafting a pensions scheme.

(2) Are the parties affected few and readily ascertainable, and have they representative organisations? The views of the landowner affected by a town-planning scheme can readily be ascertained, but what of those citizens who may be interested in the building of a civic theatre on the site? How to afford any large unorganised class facilities for expression of its views is one of the great unsolved problems of twentieth-century administration. If the proposed action involves manufacturer-consumer conflicts, how is the rule-making authority to give equal weight to the manufacturers, relatively few in number and highly organised, and to the scattered unrepresented amorphous mass of consumers? It is submitted that the public inquiry, held after adequate public notice (which also gives the substance of the proposed rules) and at which written or oral evidence is admissible, is the most satisfactory solution. First experience of the statutory attempts to set up consumers' committees for the various nationalised industries confirms the inadequacy of the consultative method in such circumstances.

(3) Is the Act one which, though affecting private rights, is expert in nature, involving a discretion only in the sense of a choice of means to attain a specific legally-prescribed purpose? A foot-and-mouth disease order is an obvious case where there is no need for public consultation. If, on the other hand, there is a choice of ends, as, for instance, whether safety regulations are to be taken to the point where they impose excessive interference with productivity, then there must be an opportunity for interested parties to be heard.

(4) The greater the scope of parliamentary and judicial review of the particular delegated legislation, the less the need may be for public voice in its making.

Obviously, there are innumerable possible permutations and combinations of the foregoing factors, and it is impossible to furnish a yardstick measur-

ing for each and every case to what extent, if any, there must be public co-operation in rule-making. What is suggested is that these factors should be considered when the appropriate procedure is being worked out. If they will be approximately constant whenever any particular rule-making power given by a statute is exercised, then that statute should prescribe the nature and extent of public consultation. Moreover, this should be given binding force by making that consultation a condition precedent to the operation of the delegated legislation. Such a statute must be in imperative, not directory, language. Procedure cannot be so crystallised where, as frequently happens, the regulations made under a particular statutory power are likely to show great variations in the factors listed above. Then the statute can merely require the Minister to consult such bodies as he may think fit. The Minister may, however, be more prone to make the appropriate consultation if he is required to state, in a preamble to each item of delegated legislation, what bodies he has in fact consulted before making that particular order.

DELAYED EFFECTIVENESS

Even a cumulation of all the appropriate procedural safeguards may be insufficient to bring to the notice of the department some significant points. The obvious way to correct such an error or oversight is to defer the effectiveness of the regulation until the termination of a specified period after its publication. This further provision for public participation was contained in the Rules Publication Act, 1893, and, indeed, its extension was recommended by the Committee on Ministers' Powers. Contrary to the forecast of Sir William Graham Harrison, it was repealed by the Statutory Instruments Act, 1946. This regrettable backward step is in sharp contrast with the United States' Federal Administrative Procedure Act of the same year, section 4 of which lays down a period of 30 days between publication and coming into operation, except "in any situation in which the agency

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for good cause . . . finds that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest." The United States' example might well be followed here.

PUBLICATION

However high the degree of care taken in framing delegated legislation, it is still necessary that adequate steps be taken to inform the public of the coming into operation of the new rules, and that the public has ready access to copies. Certainly the Statutory Instruments Act has effected considerable improvement in this direction by its detailed publication requirements, and by making copies available for purchase. Furthermore, if there is a time lag between the coming into operation of the delegated legislation and its issue by His Majesty's Stationery Office, then nobody disobeying it can be convicted of an offence "unless it is proved that at that date reasonable steps had been taken for the purpose of bringing the purport of the instrument to the notice of the public, or of persons likely to be affected by it, or of the person charged."

Nevertheless, there are serious gaps and inconsistencies in the publicity provisions of this Act. Suppose that A agrees to sell to B goods at a certain price. Unknown to either party, a minimum price, higher than the agreed one, has been fixed by a regulation made but not published at the date of the agreement. It is uncertain whether B can compel performance of the contract. Or if a Minister were to sub-delegate his powers, as did the Minister of Health his requisitioning powers by circular to local

authorities until 30th June, 1948, there was no obligation to publish the circulars, nor is it clear whether publication of sub-delegated legislation is now required. Statutory instruments of an "executive" nature are not published, and recent litigation has shown that the judiciary and executive cannot see eye to eye on the interpretation of this provision.

Beyond the rectification of these weaknesses, it is necessary to consider what further publicity is called for. Is adequate use being made of the radio and the Press, or even of the village notice board? Why not supply free copies of all delegated legislation to all municipal libraries? It is obviously sound public policy to give it as much publicity, official or unofficial, as possible. Not every interested member of the public can be expected to buy copies at His Majesty's Stationery Office.

There is a tendency for the executive to dislike publicity. The absolute right of any department to refuse to produce in litigation a document, however essential to the opponent's case, the production of which a Minister asserts to be against public interest, is one of the most criticised provisions of the Crown Proceedings Act. In the field of administrative justice, too, refusal to publish reasons for decisions, and the tendency to reach decisions on evidence withheld from interested parties, are two outstanding defects.

It is only by taking the public into its confidence and working in partnership with it along lines similar to those here indicated that a satisfactory system of delegated legislation can be evolved.

Prayers to Annul Delegated Legislation— House of Commons, 1947-48

By CHRISTOPHER J. HUGHES

During the Session 1947-8 there were thirty debates on Motions and Prayers to annul. The number of Statutory Instruments (or Statutory Rules and Orders prior to the 1st January, 1948) prayed against was slightly larger because a single debate sometimes covered several Instruments.

One of these Prayers is in a class by itself. On the 3rd November, 1947, the Opposition moved a Prayer to annul the Control of Engagement Order. The Government allotted to the debate the period between the end of Question Time and 9 p.m. This Order represents perhaps the widest use of delegated powers in peace-time and on a non-agreed measure. It is clearly proper that such a measure should be debated whether it be a Bill or an Order, both so that the Government can justify their policy and associate the people with it, and the Opposition can protest. On this occasion the Prayer was discussed in the broad manner usual in a second reading debate. The closure was actually moved at 9.28 p.m.; the closure being now common-form on a certain class of motions to save the face of the Opposition and enable them to be uncompromising and for both parties to get a night's sleep as well. The procedure of a Prayer to annul proved admirably adapted to a Vote of Censure.

Two other Prayers fall into rather the same class: that on the 29th October against Petrol Rationing, and on the 3rd December against Registration for Employment. The petrol debate was in effect a debate on the monster petition presented that day, a criticism of current administration which used the peg of a Prayer to hang the discussion on, and it was closed after two hours. The Registration debate also aired current policy but an important constitutional issue was raised in addition, the constitutionality of legislating by means of posters and notices displayed

in Employment exchanges and elsewhere "or otherwise". There was no closure but a division took place after a long debate.

In each of these three cases the front benches of both sides were occupied and there was a full dress debate. The Registration debate was the only one to raise large issues specifically connected with delegated legislation.

The other Prayers arrange themselves naturally in groups. Six out of the remaining 27 were against rationing, food, petrol, domestic coal, etc. These were general debates attacking Government policy. Of these six, two were closed, the rest divided-against; they must all be classified as predominantly "housewives'" debates, not "lawyers'" debates. Against various other controls there were eight Prayers, including one on exchange controls which is reckoned twice as it was counted out and brought on again; of these one was closed, one divided against, three negated without division and two withdrawn. Some of these included lawyers' issues of constitutional importance. There were also three Prayers against aspects of National Insurance, raising administrative and policy matters of interest; two were withdrawn upon assurances and one was divided upon. Out of these 27 debates, then, 17 (6+8+3) were predominantly upon Socialist policy, a few raising incidental points of constitutional interest.

Of the remaining ten Prayers, two were party-political adjournment-type debates, raising very telling issues and making use of the annulment procedure for its great technical advantages over the half-hour adjournment (no automatic closing down at 10.30 p.m., earlier starting, longer period of discussion—in theory unlimited but in practice about an hour and a quarter—and with the possibility of a Division). Three were also adjournment-type debates of a different kind, serious issues raised in a

non-party spirit, one of which actually wanted stricter control of over-the-counter poison, the other, counted out once but brought on again, was worried about the use of strychnine to poison seals.

The five remaining Prayers were constitutional debates chiefly on Lawyers' issues.

These were :—

(1) The Motor Vehicles (Variation of Speed Limit) Regulations (11th Nov., 1947). The Prayer revealed an interesting story. In 1940 the Minister made a Provisional Order under the Act of 1930 relaxing restrictions on Service vehicles. In 1943 an Order in Council under the Emergency Powers (Defence) Acts, 1939, gave the Minister powers "for removing or modifying . . . any prohibitions or restrictions imposed by or under any Act" relating to motor traffic. A great debate ensued, and the House was moved by an impressive speech by Mr. Aneurin Bevan against the practice of proceeding by Orders instead of Bill "as more analogous to a dictatorship than a democratic community," to such an extent that the motion "that an humble address be presented to His Majesty, praying that the Order . . . be annulled" was carried and the address duly presented by Privy Councillors. No one in the House appeared to realise that the Minister already possessed the powers and had exercised them, since a Provisional Order was then virtually a secret matter. The existence of the Provisional Order was only revealed to the survivors of the debate in November, 1947. On this occasion the Parliamentary Secretary succeeded in allaying the fears of the Opposition about the new Orders (repealing those of 1940) which seemed to permit mobile cranes to go more than 30 m.p.h. in built-up areas.

(2) The Turbo-Alternators Standardisation Order (20th January, 1948). Although the parent Act conferred no such powers, this Order appeared to void contracts retrospectively. The Parliamentary Secretary claimed that it would be a case for the Courts if it were *ultra vires*. The Opposition showed discontent with the policy of sanctioning an

Order whose legality was doubtful and divided the House. The vote was 32 for the Motion and 199 against.

(3) The Fire Services (Discipline) Regulation (7th April, 1948). This appeared to deny a member of the Fire Services professional representation in some important cases before a disciplinary tribunal and also the right to attend an inquiry into his own delinquencies when in legal custody elsewhere. A very strong case was made. The Parliamentary Under-Secretary sheltered behind two of the difficulties of this procedure when it is put to its obvious use, that if a motion is carried the regulations are totally repealed and there is a legal vacuum, and that the regulations being framed with prior consultation of the interests are a sort of bargain which the Minister cannot go back on unilaterally. Though assurances were given, the House divided (For, 16 : Against, 95).

(4) The Seizure of Food Order (22nd April, 1948). This Order gives the Minister very wide powers to seize "anything used by man for food or for drink, other than water, any substance which ordinarily enters into or is used in the composition, manufacture or preparation of human food . . . the seeds of any cereal or vegetable, forage, and cattle, pigs, sheep and poultry." The Minister's officials are empowered to seize on suspicion : if he is found not guilty after all, the owner may still, at the discretion of the Minister, have to pay "any expenses incurred by or on behalf of the Minister in connection with the seizure and sale" of his goods. The Government supporters seem to have arranged a collusive lack of quorum at about this point. Enough Opposition supporters, however, reached the House in time to avoid a successful count. The Parliamentary Secretary gave satisfactory assurances and the Motion was withdrawn.

(5) Directed Persons Appeals (6th May, 1948). A directed person may appeal from a National Service Officer's decision to a Board. This Order provides that the Officer who gives the direction after a successful appeal shall act in accordance with the

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general or the particular directions of the Minister. This appeared to make the Board's decision superfluous and to destroy the judicial status of the Officer. The Attorney General explained that the Order reversed the judgment of the Court in *Winter v. Simms Motor Units, Ltd.*, and empowered the Minister to give such an instruction as, for example, that the National Service Officer must follow the Board's recommendation. This explanation satisfied the House and the Motion was withdrawn.

It has long been recognised that the debates on the Estimates in Committee of Supply which take the form of Motions to reduce expenditure are in fact merely opportunities to criticise the policy of Departments. They perform a valuable function, but the work of criticising expenditure purely with an eye to economy is seldom done in Committee of Supply. In so far as it is done by Parliament at all, it is done by a Select Committee. The impression derived from reading debates on the Prayer to Annul is that this procedure is going the same way as Estimates procedure. Out of 28 completed debates on Prayers, only the Registration for Employment debate and the five summarised above were directed primarily to the modification of Orders on the grounds of constitutional undesirability. Not only was the procedure of Prayer more frequently used for 'housewives' issues than for 'lawyers' issues, but the figures given below confirm the impression that little interest was taken in the constitutional issues by either Party.

Out of the thirty debates there was a Division taken upon the main question on fourteen occasions. On these occasions the size of the Opposition vote was as follows :—

OPPOSITION VOTING ON PRAYERS TO ANNUL, 1947-48.

Time debate started p.m.	Subject of Debate	Number of Opposition votes on Division on main Question (excluding Tellers)
8.43	Registration for Employment	178
10.15	Petrol Ration	160 closed

Time debate started p.m.	Subject of Debate	Number of Opposition votes on Division on main Question (excluding Tellers)
3.31	Control of Engagement	144 closed
6.17	Rationing	82
10.25	Controls	63 closed
11.46	Rationing	59 closed
7.45	Rationing	55
8.33	National Health	45
10.00	Rationing	40
11.35	Rationing	39
10.10	Constitutional Interest	32
10.35	Investment of Fund in "Dalton's," etc.	31
9.55	Exchange Control	30
10.00	Constitutional Interest	16

There is no correlation with time; but the impression that the correlation is with interest of subject, the first priority being controls and rationing and the last priority constitutional interest is amply confirmed from other sources. There is no reason to believe that, during the five debates on matters of constitutional importance summarised above, on the Opposition benches there were more than the half a dozen members present in the chamber who make a useful profession in the public interest of Praying against Statutory Instruments habitually, and those waiting to speak on the adjournment.² As the Quorum is 40, the divisions where the Opposition raised under 38 votes represent debates carried on virtually by permission of the Government back-benchers. The Registration for Employment Debate is capable of two interpretations.

The division figures for the supporters of the Government are also interesting and are as follows :—

GOVERNMENT VOTES AT PRAYERS TO ANNUL, 1947-48.

(a) Full-dress debates.					Govt. votes, main question
Time first division taken p.m.					
9.28	...	...	...	...	252 (a)
11.46	...	...	...	...	191 (a)
11.55	...	...	...	...	191 (a)
11.20	...	...	...	...	223 (b)
12.14	205 (c)
12.39	187 (a)
(a) Closed.					
(b) Registration for Employment.					
(c) Sweets rationing.					

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(b) Other debates on Prayers.

<i>Time of Division</i>		<i>Govt. Votes</i>	
7.44	...	211	} over 200
9.15	...	227	
10.40	...	199	} 150-200
10.56	...	170	
11.11	...	129	} 100-150
11.15	...	147	
11.20	...	95	
11.34	...	146	

It seems that on evenings when a late sitting could not be foreseen, the supporters of the Government began

to drift home after 10.30 p.m. whatever the subject of debate. When the Division bell rang the body of the faithful descended like a blanket, performed the ritual of voting, and took the tube home. Apart from their docility and industry, however, it does not appear that the bulk of Government supporters took any more interest in the constitutional issues than their opponents: it is only the method by which they demonstrated their indifference which varied.

¹ Actually, the Attorney-General had drawn attention to the Provisional Orders a week before, in reply to a Question (27 February, 1943).

² An unexpected by-product of the practice of proceeding by Statutory Instrument is that the scope of such debates as the Adjournment (where matters needing legislation may not be discussed) is widened.

The Delegation of Administrative Discretion

By J. F. GARNER

At the present time, administrative law has become a matter of practical interest to the private lawyer, being no longer the exclusive preserve of the constitutional expert and the local government officer, and this is particularly true of those portions of the law which relate to the delegation of administrative functions from one administrative body to another. In this brief review of the latter topic we are proposing to discuss the nature of delegation, as used in this context, the more common examples of such delegation experienced in practice, and a few of the methods by which the same is commonly exercised.

(A) The nature of delegation

To delegate is to entrust to another the execution of some power or duty vested in oneself; as such, delegation implies in its very essence the transfer to another of more than a mere executory power; a discretion also is transferred. Thus, when the "competent authority" under Defence Regulation 51 delegates its power to take possession of land to a specified person or class of persons, it thereby delegates a discretion (to be exercised within such limits as the competent authority may have seen fit to prescribe) to be exercised for the purposes of the Regulation, but otherwise as the delegate may think fit.

It is important to consider whether, by the act of delegation, the principal has, subject to any restrictions or limitations imposed by him at the time of delegation, divested himself of all his powers in respect of the subject matter delegated, or whether he may, subsequent to the delegation, give further instructions thereon to his delegate.

In constitutional law it is clear that once the Crown has delegated its power to legislate for a colony by virtue of the Royal Prerogative or under the British Settlements Acts, 1887 and 1945, to a representative legislature within the colony, it cannot subsequently (subject

to any limitations or express powers imposed or reserved in the Order in Council or Letters Patent establishing that legislature) legislate for the colony, or revoke the constitution of the legislature so established (see *Campbell v. Hall* (1774), Cowp. 204, and *Sammut v. Strickland* [1938] A.C. 678).

In the law of trusts, in connection with which the principle *delegatus non potest delegare* has most frequently been considered, it has long been recognised that a trustee (to whom the settlor has delegated a discretion) may employ agents to carry out executive acts, but that the trustee's discretion delegated to him personally may not itself be delegated. *Speight v. Gaunt* (1884), 9 App. Cas. 1, is still the leading authority¹ on the subject, so far as the application of this principle is concerned, and in that case it was said by Lord Fitzgerald, "I accept it as settled law that although a trustee cannot delegate to others the confidence reposed in himself, nevertheless he may in the administration of the trust fund avail himself of the agency of third parties such as bankers, brokers and others, if he does so from a moral necessity or in the normal course of business." The point of the difference between delegation and agency here lies in the factor of control; where a mere agent is employed the trustee retains detailed control and exercises any discretion himself. A trustee therefore cannot delegate, for matters of policy must be decided by the person entrusted with their decision by the settlor, that is, the trustee himself.

An agent, as distinct from a delegate, is, according to the normal principles of the common law, a mere "conduit pipe," a person empowered to carry out the instructions of his principal, and one who need not necessarily be *sui iuris*; for in *Bazeley v. Forder* (1868), L.R., 3 Q.B. 559, it was held that a married woman, though at that time incapable of contracting on her own behalf, could none the less act as an

agent for her husband (and see Co. Litt. 52a). In the law of torts, also, delegation has been used in connection with the observance of statutory duties as involving something more than mere agency (see, e.g., *Gallagher v. Dorman Long & Co.* [1947] 2 All E.R. 38), and it is reasonably clear that in the common law generally the term delegation is used to signify a relationship different from that of agency.

Can these principles of the common law and of equity be imported into modern administrative law? At first sight it would seem that delegation is here understood as a synonym for agency; perhaps it was so a generation or so ago, but it is submitted for the reasons hereafter appearing that in this branch of the law also a delegate is now no mere agent, and has a considerable independence of his principal. In *Huth v. Clarke* (1890) 25 Q.B.D. 391, the executive committee of a county council delegated its functions under the Diseases (Animals) Act, 1878, to a sub-committee, and then subsequently issued regulations prescribing the methods by which the sub-committee was to exercise these functions. A Queen's Bench Divisional Court held that the delegation was not equivalent to a resignation by the committee of its powers in favour of the sub-committee, as the delegated authority was subject to resumption by the parent committee at any time, and the regulations were therefore valid. Wills, J., said (at p. 395) [the word delegation] "is never used by legal writers, so far as I am aware, as implying that the delegating person parts with his power in such a manner as to denude himself of his rights. If it is correct to use the word in the way in which it is used in the maxim [*delegatus non potest delegare*], the word delegate means little more than an agent." Nevertheless, it should be noted, on the facts of this particular case, that the statute in question, which empowered the committee to delegate its own delegated functions to a sub-committee, also expressly provided that such delegation might be revoked or altered, and the powers resumed by the committee at

any time (see para. 6 of the Schedule to the 1878 Act, and compare now para. 6 of the Fourth Schedule to the Diseases of Animals Act, 1894, which has replaced the 1878 Act). The words cited from the judgment of Wills, J., which are most commonly used in support of the argument that a delegate is no more than an agent, are therefore, it is submitted, *obiter*, and seem to have been so treated by Evershed, L.J., in *Blackpool Corporation v. Locker* (*infra*).

Huth v. Clarke was considered in *Gordon Dadds & Co. v. Morris and others* [1945] 2 All E.R. 616, which arose out of the power to take possession of land under Defence Regulation 51. The court had here to consider whether the "competent authority" for the purposes of the Regulation (in this case the Minister of Health) had by delegating to the Town Clerk of Westminster certain powers under the Regulation to be exercised in accordance with definite instructions, denuded himself of all power under the Regulation, or whether he could subsequently give instructions to the Town Clerk regarding the premises. Lynskey, J., quoted from *Huth v. Clarke*, observing that, "delegation does not imply a denudation of power and authority," and held that the Minister could, subsequent to the original delegation, give valid instructions to his delegate. The *ratio decidendi* of the case seems, however, to be restricted to its own peculiar facts, for the Minister in his original delegation had so limited the powers of the delegate as by necessary implication to reserve general control over their exercise.

A similar point came before the Court of Appeal recently in *Blackpool Corporation v. Locker* [1948] 1 All E.R. 85. Here the Minister of Health had delegated his requisitioning powers under the same Defence Regulation (51) to the Corporation of Blackpool, in respect of any unoccupied residential property within their district, subject to compliance by them with certain prescribed conditions. The Corporation had not observed these conditions in the particular instance before the Court, and the validity of the

requisitioning notice served on behalf of the Corporation was therefore called into question (and subsequently held by the Court to have been invalid). In an endeavour to cure this defect, the Minister of Health himself, through the Town Clerk, purported to requisition the property and to ratify the acts of the Corporation. The Court of Appeal held that the Minister's purported requisition under the Defence Regulation was invalid, for he had not reserved power so to act with regard to the property at the time when he delegated his powers thereunder to the Corporation. Scott, L.J., observed that the Corporation, or the Town Clerk, was acting, not as the agent (in which case the Minister could have ratified any *ultra vires* acts retrospectively), but as the delegate of the Minister. It should be observed that the facts of this case may be distinguished from those in *Gordon Dadds v. Morris* (*supra*). In the latter case the Town Clerk of Westminster had acted under Circular 2081 (1940) of the Ministry of Health, by which he was authorised merely to select suitable premises for requisitioning and to submit the same to the Minister for consideration; the Minister expressly reserved to himself the power to decide whether or not the particular premises should be requisitioned; having decided in the affirmative, he then authorised the Town Clerk to take possession thereof on his behalf; a purely executive act. In the *Blackpool* case, however, the Corporation acted under Circulars 2845 (1943) and 138/45 of the same Ministry, which together delegated the power of deciding whether and what particular premises should be requisitioned, thereby denuding the Minister of his powers under Regulation 51 (as regards the particular type of premises covered by the delegation). It is also interesting to notice that the *Gordon Dadds* case does not appear to have been cited in the *Blackpool* case: presumably neither learned counsel nor the Court considered the former case to be relevant to the facts in the latter.

In the *Blackpool* case, for the first time in administrative law, a clear distinction was drawn between delegation and

agency, a distinction which we have endeavoured to show is in accordance with the authorities, but the consequences of which do not seem to have been previously fully appreciated. Thus, Evershed, L.J., said in this case, "without attempting any precise definition, I greatly doubt whether one to whom, under the regulation, the statutory power of requisition has been delegated by a competent authority can be said to exercise those powers as 'agent' for the competent authority." A delegate exercises a discretion, as distinct from a mere agent, who carries out the executive instructions of his principal. Subject to any reservation in the instrument of delegation or any express statutory power (as in *Huth v. Clarke*), once the discretion has been delegated, the principal is denuded of all authority, and he cannot subsequently dictate to his delegate as to the method of exercise of the power.

It is clear that in the instrument of delegation the principal may reserve to to himself power to revoke the instrument of delegation (as referred to in *Campbell v. Hall*), or may delegate some powers only (as in the *Gordon Dadds* case), or impose conditions on the method by which the discretion delegated is to be exercised (as in the *Blackpool* case). The question then arises, can the principal, in the instrument of delegation, provide that his delegate shall comply with any directions given subsequently by the principal in that behalf? We have seen such a clause in at least one agreement entered into under s.34 of the Town and Country Planning Act, 1947, between the county planning authority and district councils within the county, delegating the Part III powers of the county planning authority. To our mind, such a provision is invalid in that it conflicts with the very nature of delegation, as understood in the cases above discussed. If the delegate is for ever to be liable to being restricted in the exercise of its delegated discretionary powers, by instructions the purport of which it had no prior means of knowing, it will, it is submitted, be

incapable of exercising such discretion with any freedom; the delegate may even be obliged, before exercising the purported discretion, to obtain the instructions of its principal, thereby destroying the whole purpose of the delegation.

A mere agent, trustee, or other person in a position of confidence is at common law or in equity, in the absence of any special statutory authority, bound by the principle, *delegatus non potest delegare*. Is an administrative authority to whom legislative powers have been delegated similarly so bound? The Committee on Ministers' Powers (see their Report, Cmd. 4060, at p. 50) took it for granted that the principle does so apply, and the provisions of s.85(1) of the Local Government Act, 1933, empowering a local authority to delegate its executive powers to committees, which would be redundant but for the principle now under discussion, reflect the same attitude. Professor C. K. Allen, however (*Law and Orders*, p. 104), observed that "it is very remarkable that our Courts have never expressly decided whether the maxim *delegatus non potest delegare* applies to subordinate legislation," and points out that the much-cited case of *Reg. v. Burah* (1878), 3 App. Cas. 889, is not strictly relevant to this issue.

A King's Bench Divisional Court has now, however, given a definite answer to this question. In *Allingham v. Minister of Agriculture and Fisheries* [1948] 1 All E.R.780, the Court decided that a delegate of the Minister, acting under Defence Regulations 62 and 66, could not itself delegate such delegated powers to another person or body, by reason of the principle *delegatus non potest delegare*. As Lord Goddard, C.J., said, "if he [the Minister] has delegated, as he has, his power of making decisions to the executive committee, it is that committee who must make the decision; and they cannot, as it seems to me, on the ordinary principle of *delegatus non potest delegare*, delegate their power to some other person or body."

Does this principle, so applied to administrative bodies in general, forbid

a local authority, to whom functions have been delegated by a Minister or another local authority (e.g., by an agreement executed under s.34 of the Town and Country Planning Act, 1947), delegating such delegated functions to a committee of its own members? This problem has been greatly exercising the minds of local government lawyers since the decision in *Allingham's case*, but it is submitted that s.85(1) of the Local Government Act, 1933, empowering a local authority to delegate to a committee "any functions exercisable by the local authority," is wide enough to cover such delegation; the functions referred to in the sub-section are none the less functions exercisable by the local authority, although they have been delegated to that authority, and the method by which a particular function has been acquired should not, it is submitted, be regarded as material to such a question.

This power of delegation, wide though it be, does not, however, include a power to delegate powers (whether already delegated or not) to a single member of an authority, or of a committee thereof, or to an official of the authority. Where a statutory body is authorised by the constituent statute to delegate powers to a committee, those powers so delegated must be exercised by the committee "acting in concert," and a single member of the committee acting alone, pursuant to an apportionment of the powers so delegated between the members of the committee, is invalid (see *Cook v. Ward* (1877) 2 C.P.D. 255, and *Allingham's case*, *supra*).

(B) Examples of Delegation

The delegation of legislative and executive powers is a practice which has increased, is increasing, and some say, ought to be diminished, but we do not here propose to discuss the large variety of circumstances in which Parliament has seen fit to delegate its legislative powers to Ministers of the Crown and other statutory bodies, which subject has already been fully reviewed in Professor C. K. Allen's *Law and Orders*. We are here concerned rather with the

further delegation of their delegated powers by these Ministers and statutory bodies, and in particular the examples thereof that most commonly affect the private practitioner. It must first be emphasised that, as a general principle, no such sub-delegation is valid, except under express statutory authority. Thus, delegation of the requisitioning power by the Minister of Health is effected under Defence Regulation 51 (5), itself made by Order in Council under powers delegated by Parliament to the Privy Council in the Emergency Powers (Defence) Act, 1939², authorising a "competent authority," for the purposes of the Regulation, to delegate his powers thereunder. It is now proposed to consider a few of these common examples of "sub-delegation."

(a) *Requisitioning*.—The powers of the various "competent authorities" for the purposes of Defence Regulation 49, to take possession of land and to delegate those powers as they may think fit, has been discussed above, and has been the subject of several recent decisions in the superior Courts. The validity of the delegation and of the method by which it has been exercised in a particular case, is of special importance in this particular instance, for so far as the actual exercise of the power itself is concerned "the courts have no power at all to enquire into the reasonableness, the policy, the sense, or any other aspect of the transaction" (per Lord Greene, M.R., in *Carltona Ltd. v. Commissioners of Works* [1943] 2 All E.R. 560, at p. 564).

(b) *The licensing of building work*.—The licensing of building work under Defence Regulation 56A is carried on, under delegation from the Minister of Works, within certain limits and mainly as regards residential property only, by local authorities, who themselves frequently depute their Surveyor to act as "licensing officer" for and on behalf of the Minister. Power to prosecute for a breach of this Regulation (i.e., the carrying out of building work in default or excess of a licence) has similarly been delegated by the Minister.

(c) *Agriculture*.—The extensive powers of the Minister of Agriculture and Fisheries, originally exercisable under the Defence Regulations (the delegation whereof was considered in *Allingham's case, supra*), now depend on the more permanent provisions of the Agriculture Act, 1947. Under sec. 72 of that Act the Minister is empowered to make regulations delegating to County Agricultural Executive Committees "to such extent and subject to such conditions or restrictions as may be specified by or under the regulations," such of his functions relating to agriculture as may be so specified (cf. the narrower powers of Defence Regulation 66(1)). This power has already been freely exercised by the Minister (see, e.g., the Delegation to County Agricultural Executive Committees Regulations, S.I., 1948, No. 187), but the power still does not enable an executive committee³ itself to delegate such delegated powers.

(d) *Delegation between local authorities*.—Under various local government statutes, powers exist for specific functions to be delegated by one class of local authority to another; e.g., by county councils to their respective county district councils (such, for instance, as in the case of the maintenance of certain roads, under the Local Government Act, 1929), and the direct opposite, the delegation of powers by county districts to their respective county councils (for instance, delegation by a small but ancient non-county borough of its functions under the Weights and Measures Acts). Under sec. 88 of the Local Government Act, 1933, a rural district council may delegate any of its functions (with the usual two exceptions in local government provisions of this nature, the power of levying a rate or of borrowing money) to a parish council, so far as the particular parish is concerned, and sec. 85 of the same Act contains the widely used power of delegating the functions of an authority (subject to the same two exceptions) to committees. These provisions are, however, matters mainly of internal administration, of

concern only to the local authorities themselves. Thus, if it were subsequently discovered that a document executed under the seal of a local authority (e.g., a conveyance on sale), had been executed on the authority of a committee to whom the necessary executive power had not been delegated, a purchaser from the authority or other person interested would not normally be able to question the validity of the document, nor would the authority subsequently be able to repudiate its own seal merely on the grounds that some act of "internal management" of this nature had not been properly observed (see the rule in *Royal British Bank v. Turquand* (1856), 6 E. & B. 327, and Williams on *Vendor and Purchaser*, 4th. edition, at p. 926-7).

(C) *The method of exercise of delegation*

The method by which delegation is exercised in a particular instance varies according to the nature of the function delegated. If the function is legislative in nature, the act of delegation will itself be legislative, and should have all the normal attributes thereof, such as publication, availability, etc. If the function itself is purely executive, as in the examples given in para. (B) (d), *supra*, the delegation, being therefore itself executive only, is normally effected either by a minute of the local authority concerned (in the case of delegation to a committee) or by an agreement entered into between the delegating authority and the delegated authority (e.g., agreements under sec. 34 of the Town and Country Planning Act, 1947). Delegation having a legislative effect, which commonly involves action by a Minister of the Crown acting under statutory authority, is worthy of further consideration.

The Statutory Instruments Act, 1946, provides a code of rules for the publication of subordinate legislation, but unfortunately the Act only applies to such legislation which the enabling Act provides shall be by way of statutory instrument, or where the subordinate legislator elects of his own initiative to follow the procedure of the Act.⁴ The

operation of the Defence Regulations has provided several examples of legislation of this nature the making of which did not follow the procedure of the 1946 Act, and where indeed it could be said that the legislation had never been made available to the public at all.

Thus, in *Blackpool Corporation v. Locker* (*supra*), the Court of Appeal discovered that the Minister of Health had delegated his requisitioning powers exercisable under Defence Regulation 51 to the Clerks of local authorities, by means of circular letters, which were not made generally available to members of the public. Indeed, when the owner of the property requisitioned, the defendant in this action, sought discovery of these circulars, the plaintiff Town Clerk claimed privilege in respect thereof, as professional communications. This claim was not allowed by the Court, as was to be expected, and all three Lords Justices made adverse comments on the secrecy of the methods by which the Minister had exercised the legislative powers entrusted to him under the authority of Parliament. Possibly as a result of this decision, the Minister of Health has recently not renewed the powers of local authorities formerly delegated to them under this Regulation, and now reserves the right to delegate to the local authority concerned the power to take possession in each particular case. Where any such delegation is made, the local authority are required to send a copy of the delegation instrument to the owner of the property to be requisitioned (with the requisitioning notice itself) and to make a further copy thereof available for inspection by any person interested.

A further point which often causes confusion in these cases is that the requisitioning power is delegated to the clerk to the authority, the ministerial circular being addressed to him, but it is clearly contemplated by the Minister in the circulars that the clerk shall act only on behalf of, and under the general instructions of his Council; and this is, of course, how the power is exercised in practice. The point whether

the delegate is the Council or its clerk was raised tentatively in the *Blackpool Case*, but it was there said by Scott, L.J., "I agree that there is no substance in the distinction, and that the delegation of power was in reality to the corporation." The point was not mentioned, but a similar view was clearly taken by the court, in the more recent case of *Erith Corporation v. Holder* [1949] 1 All E.R. 389.

Somewhat similar comments to those in the *Blackpool case* were made by the Court of Appeal in *Jackson Stansfield & Sons v. Butterworth* [1948] 2 All E.R. 558, in connection with the Control of Building Regulations, made under Defence Regulation 56A. Whilst on the facts of the case the validity of the regulations in question could not legally be challenged, it was pointed out by Scott, L.J., that "in June, 1946, there were no means at all open to the public affected by which a private owner, whether an individual or a company, even with the assistance of his lawyer, could, as of right, ascertain what the detailed provisions were which in practice governed and limited his right or effective power to get a licence, nor whether they were legislative or merely administrative . . . In my view compulsory publicity is the only preventive of many of those evils which most people have in mind when they speak of 'bureaucracy' with an accent of censure." This particular example of delegated legislation proved on examination to be unfortunate from another point of view. The "competent authority" for the purposes of this Defence Regulation was the Minister of Works, but the delegation of power to act under the Regulation to local authorities was effected not by means of an instrument executed by that Minister but by means of circular letters (similar to those criticised in the *Blackpool case*) sent to local authorities and signed on behalf of the Minister of Health. This procedure was, no doubt, adopted because the Minister of Health, unlike the Minister of Works, is in daily and constant contact with local authorities, and presumably the Minister of Health must be regarded as having

here acted as the agent of the Minister of Works, but in the absence of any definite link between the two Ministers having been proved (and all available information was presumably before the Court, for the Attorney-General appeared as *amicus curiae*), the validity of the Health Minister's circulars as effecting a delegation of the powers of the Minister of Works seems at least doubtful. As Scott, L.J., said at the close of his judgment in the present case, "there seems to me to be a strong case for saying that the system of the Statutory Instruments Act, 1946, should be extended to cover anything that in law amounts to sub-delegated legislation."

At a lower level in the administrative hierarchy, even the delegation of its powers by a local authority to a committee under s.85 (1) of the Local Government Act, 1933, may be partly legislative and not exclusively executive in nature (e.g., where a committee is entrusted with a byelaw-making power). The universal method by which this particular form of delegation is effected is by means of the Authority's minutes—here some measure of publicity and availability at least is assured, for minutes must be duly recorded (Local Government Act, 1933, 3rd Schedule, Part V, para. 3), and are open to the inspection of any local government elector for the area (*ibid.*, s.283 (1)).

(D) Conclusion

To sum up, it seems clear that, subject to express reservations in the instrument of delegation, the delegating authority cannot subsequently control the acts of his delegate, the latter being something more than a mere agent. Nevertheless, the delegate is not himself in the position of his principal, for (subject to express statutory exceptions) he may not himself delegate, being bound by the principle "*delegatus non potest delegare*," imported from the law of trusts. The importance of these principles is obvious when it is remembered how many everyday matters of importance to the ordinary citizen are regulated under delegated powers, and "it is extremely important that the bodies with these wide powers should

act strictly in accordance with their powers" (per Lord Goddard, C.J., in *Allingham v. Minister of Agriculture and Fisheries*, *supra*).

The need for publicity of these types of delegated legislation has been much discussed in the cases herein mentioned, and, to adapt a remark from Scott, L. J.'s, judgment in *Jackson Stansfield v. Butterworth* (*supra*), the position of "enforced ignorance" in which members of the public find themselves in these and similar important matters, is "very hard and constitutionally improper." Unfortunately, perhaps, we have no rule akin

to the requirement found in some Continental systems of law that laws must be promulgated before they become effective, and lack of publication in no way affects the validity of sub-delegated legislation⁵. In the absence also of a written Constitution, and a Supreme Court capable of applying that Constitution, the infringement of constitutional principles is no ground for attacking the validity of legislation which is *intra vires*. We can only hope that, as the matter has been so fully ventilated in the Courts recently, further occasions for complaint (and the remedy does not lie exclusively in the hands of Parliament) will not arise.

¹ Subject to the several substantial statutory exceptions, such as s.23 of the Trustee Act, 1925, which need not concern us here.

² By section 1 (3) of that Act, it was expressly provided that Defence Regulations might provide for empowering such authorities, etc., as may be specified therein, to make orders, rules, etc., for any of the purposes for which such Regulations were authorised by the Act to be made.

³ An agricultural executive committee is not, of course, a local authority within the meaning of the Local Government Act, 1933, and s.85 (1) thereof cannot here be invoked.

⁴ This Statute has been extended in effect by Art. 2 of the Statutory Instruments Regulations, 1947 (S.I. 1948, No. 1), made under the Act, but even this article does not extend the Act to all subordinate legislation.

⁵ However, if the legislation is effected by way of a statutory instrument, which, as we have shown above, is not always the case, in any proceedings for a contravention of any such instrument, it is "a defence to prove that the instrument had not been issued by H.M. Stationery Office at the date of the alleged contravention, unless it is proved that at that date reasonable steps had been taken for the purpose of bringing the purport of the instrument to the notice of the public, or of persons likely to be affected by it, or of the person charged" (Statutory Instruments Act, 1946, s.3 (2)).

The Tribunals of Inquiry (Evidence) Act,

1921

By PETER G. RICHARDS

What is the best form of procedure to adopt when grave allegations of improper conduct are made against officers of the State? The problem is no new one, and reviewing the past half century alone it is clear that the perfect solution has not been found. Where the law courts are not used criticism of the methods of investigation takes three main forms. First, if political passions are aroused justice may be subordinated to political pressures. Secondly, it is argued that the accused are not given the protection they would receive in a court of law, and that there is no appeal from the verdict of a parliamentary debate. Conversely, it has, on occasion, been hinted that the investigation has been insufficiently ruthless, and that information has been suppressed which would have affected the report of the investigators.

Thus, after the Jameson Raid a select committee of the Commons was set up to enquire into the source of responsibility for the incident. Joseph Chamberlain, Colonial Secretary, was on the committee. The report¹ censured Rhodes and acquitted Chamberlain of any knowledge of Dr. Jameson's intentions, but, unfortunately, the committee failed to compel production of all the telegrams sent from the Colonial Office to Rhodes before the Raid. It was therefore possible to infer that the missing telegrams incriminated Chamberlain, and this view was strengthened when Chamberlain made a speech to the Commons attempting to "whitewash" Rhodes.²

Again in 1912, when the Marconi Company was given a government contract to develop an Imperial wireless chain, rumours circulated that some Ministers were financially interested. A Commons Committee of Inquiry found that no Ministers were connected with the Marconi Company, but that three Ministers had recently acquired shares in a parallel Marconi concern in the

U.S.A. The incident then degenerated into a struggle for political advantage and the committee split on party lines. The Liberal majority supported the Ministers, who admitted their error of judgment, reiterated their good faith³ and did not resign. The contrast between the Marconi debates and the atmosphere of the debate on the Lynskey report is the best symbol I know of the steady temper of our public life at the present time.

On both these occasions the traditional method of parliamentary enquiry proved unsatisfactory, and it is clearly essential to remove judicial enquiry from the political arena. So in 1921, when it was alleged⁴ that papers in the Ministry of Munitions had been destroyed to avoid the auditor's scrutiny, a new form of enquiry was favoured. It was felt that the enquiry could not be conducted satisfactorily unless there was power to take evidence on oath, and in order to meet these views the Government introduced the Tribunals of Inquiry Bill.

The form of the Bill caused some surprise as it had been expected that the Bill would only regulate procedure for the enquiry that was the subject of immediate concern. Instead, the Bill was a general measure capable of being applied to subsequent investigations if the Minister or both Houses of Parliament so determined. Sir Frederick Banbury protested⁵ that a Bill of long-term constitutional importance had not been envisaged. Other protests were made that, as the Bill had been introduced after 11 o'clock and the Government wanted to pass it through all its stages the same night, there was not time for consideration or discussion. Mr. Bonar Law, Leader of the House, stressed that the time of the House was limited and threatened that unless the Bill was passed quickly and without amendment the Government would drop it altogether.⁶ Ultimately the Bill

was passed after a delay of 24 hours and one amendment was carried which deleted the provision that an enquiry could be set up upon the authority of a Minister. Thus a resolution has to be passed by both Houses before an enquiry can be commenced under this Act.

The Act further provides that a tribunal of enquiry, duly constituted under the terms of the Act, may enforce the attendance of witnesses and examine them on oath, compel production of documents, and, subject to the rules of court, examine witnesses abroad. If any person fails to answer a summons to attend an enquiry, or fails to answer questions that he may be legally compelled to answer, or does anything that in a court of law would constitute contempt of court, he may be committed to the High Court on a charge of contempt of court. In addition, witnesses are entitled to the same immunities and privileges as if before the High Court. The Tribunal may decide to sit in private or public, and it may allow or refuse to allow persons appearing before it to be legally represented. It should be added that no Tribunal yet appointed has sat in private or has prevented interested persons from having legal representation.

The first Tribunal set up under the Act found little that was wrong. In its report⁷ it showed that no papers in the Ministry of Munitions had been destroyed or lost. An officer of the Ministry had made a foolish remark at a departmental meeting about "losing papers" which he immediately afterwards withdrew. The remark was made in the desire to hasten the conclusion of the work of the department, and there had been no suggestion or evidence of corruption. Thus the incident closed and the Commons did not trouble to debate the report.

The Act was next used in the Savidge case, which acquired something of a political complexion. Sir Leo Money had been summoned by the police for alleged improper behaviour with a Miss Savidge in Hyde Park. The magistrate dismissed the case without hearing all

the evidence for the defence and awarded costs against the police. The suggestion was then made that the police constables in the case had committed perjury, and the Home Secretary, being responsible for the Metropolitan Police, asked the Director of Public Prosecutions to enquire further into this aspect of the case. As a result of the request two police officers, accompanied by a police-woman, went to the establishment where Miss Savidge was employed and "without affording her any opportunity of communicating with her parents or legal advisors conveyed her to Scotland Yard, where she was questioned for a period exceeding five hours."⁸ The incident was raised in the Commons by a member of the Opposition, whereas in 1921 and 1936 the allegations were first mentioned in the Commons by Government supporters. Two of the three members of the Tribunal appointed to hear the Savidge case were M.P.s, Mr. Withers (Cambridge University) and Mr. Lees Smith (Keighley)—i.e., one from each side of the House. The usual pattern of membership is now a Judge of the High Court, and two leading barristers. Possibly because of political differences the Tribunal of 1928 was unable to agree upon a final report. The report⁹ was debated in Committee of Supply on July 20th, when the Government supported the Majority Report, while the Opposition preferred the views of Mr. Lees Smith, who was more critical of the action of the police. The vote at the end of the debate followed party lines, and it is significant that the debate took place in Opposition time. One result of the enquiry was the appointment of a Royal Commission on the Police.

As befitted members of an independent judicial body, Mr. Withers and Mr. Lees Smith took no part in the debate. In contrast, members of a select committee can defend its report as did Chamberlain in 1897. This adds to the case for Tribunal procedure, as any report of this kind should stand or fall on its own intrinsic merit and should not depend for acceptance on the parliamentary intervention of interested parties.

TRIBUNALS OF INQUIRY

The Savidge case has another distinctive feature. In 1921, 1936 and 1948 the Tribunals had to enquire into allegations of malpractice by members of the Government or permanent servants which adversely affected the public interest. In the Savidge case, while the public were generally concerned in the standards of behaviour of the Metropolitan Police, the immediate sufferer was a particular individual. In this connection the costs incurred by witnesses appearing before Tribunals must be considered. After the Ministry had agreed to set up the inquiry Mr. Lloyd George argued that costs of legal representation incurred by Miss Savidge should be met from public funds.¹⁰ Ultimately this was done, but in no other case so far have such expenses been paid. Yet, in the other cases, witnesses against whom there was no suggestion of blame must have suffered financial loss through being forced to give evidence.

The third Tribunal to be set up under this Act had the task of investigating the Budget disclosures of 1936. On this occasion the matter was first raised by Sir Assheton Pownall, M.P. for Lewisham East, in the Commons during a speech to the Committee of Ways and Means two days after the Budget Speech.¹¹ Suspicion had been created at Lloyd's that there might have been some leakage of Budget secrets as a considerable amount of insurance had been effected against the possibility of a rise in Income Tax. This anticipation proved to be correct. The Chancellor of the Exchequer asked the Chairman of Lloyd's to make a full enquiry, and, as a result, the Chancellor was later satisfied that a *prima facie* case had been made out that warranted investigation. The motion to set up an enquiry was passed on May 5th, when Mr. Attlee complained of delay.¹² The Tribunal showed in its Report that there had been an unauthorised disclosure of information by Mr. J. H. Thomas to Sir Alfred Butt and Mr. Bates, and that Mr. Bates and Sir Alfred Butt had used the information for purposes of private gain.¹³ The Report was considered by the Commons and Mr. J. H. Thomas and Sir Alfred Butt made personal

explanations, protested their innocence and announced their resignations from the House.¹⁴ After the personal statements the House proceeded to debate the Report and passed a resolution accepting it. No criminal proceedings were undertaken and the incident closed.

As a result of the Thomas case criticisms were levelled at the procedure of the Tribunal of Inquiry. The members of the Tribunal themselves discussed some of the shortcomings in their report. The following paragraphs deserve quotation¹⁵:

"In the ordinary criminal case . . . a definite charge is made against a particular individual; and all evidence not strictly germane to the charge against the individual is rigorously excluded."

"Moreover the Crown in the capacity of prosecutor is represented by Counsel whose duty it is to present to the Court the evidence against the accused and to test by cross examination any evidence he may give or call. The accused in turn is in most cases represented by Counsel who can test and challenge any evidence adduced by the Crown."

"In the case of an enquiry such as that on which we have been engaged there is no prosecutor. Such evidence as the Treasury Solicitor has been able to obtain . . . has been furnished. But the testing of witnesses' stories by way of cross-examination has necessarily been undertaken by members of the Tribunal themselves, with the resultant possibility of creating the impression that they were from the start hostile to some of the witnesses."

"A further difficulty . . . is that there were no accused and no definite charge . . . It happened that persons whose conduct was the subject of closest scrutiny were not represented before the Tribunal until some days had elapsed."

The Report adds that counsel who did appear were hampered by their inability to object to hearsay evidence, and were unable to conduct the case as if before a court of law.

A large part of the examination of witnesses was conducted by the Attorney-General, but the significant cross-examination of leading witnesses was undertaken by members of the Tribunal, as they explain in their Report. It may have been felt that the Attorney-General should not question a member of the Government before such a Tribunal, because of the strains of conflicting loyalties. Anyway, it is noticeable that the Attorney-General had no questions to put to Mr. J. H. Thomas.¹⁶

The complaint that there was no accused, no charge, and therefore no acquittal or appeal was echoed by Sir Alfred Butt in his personal statement to the Commons. "I have been condemned and apparently I must suffer for the rest of my life from a finding against which there is no appeal and upon evidence which apparently does not justify conviction, and there is now no method open to me by which I can bring the true and full facts before a jury of my fellow men."¹⁷

The day before, the Attorney-General, Sir Donald Somervell, had explained why he was not going to institute criminal proceedings. A jury should have no prior knowledge of the facts to be presented to them and any jury appointed to consider this case would be prejudiced by prior publicity. Also, in order to succeed, the prosecution would have to show that the disclosure of information was deliberate and Sir Donald did not think the evidence was strong enough on this point. Sir Donald continued:

"I have also had in mind considerations based on the general principles on which criminal justice is administered . . . much of the evidence in my possession was given by those whose conduct is now in question to a Tribunal with wide powers of summoning witnesses and calling for documents. I am not of course suggesting that in no case should a prosecution follow the report of such a Tribunal but it would be somewhat foreign to our general methods that information which results from the

existence or exercise of such wide powers of compulsory interrogation and discovery of documents of this kind should be made the basis of a criminal charge . . ."¹⁸

The recent Lynskey Tribunal was faced with the special difficulty that its terms of reference were not closely defined, but the Tribunal adjusted its procedure to ensure equity and not all the evidence was used. "Much of the evidence would not be admissible in the case of an individual witness in proceedings against him, or in litigation in which he was concerned. In coming to a conclusion as to the conduct of any individual witness, and in particular whether any allegation made in reference to him has been justified, we have had regard only to such evidence as would properly be admitted in a case in which he was a party and his conduct was in question."¹⁹

Again, apart from Paragraph 335 where the report says that Mr. Stanley "will make any statement true or untrue, if he thinks it is of advantage for him to do so," there is no comment on the activities of private witnesses. Censure and acquittal are confined to all Ministers and public servants concerned. Thus little was done to prejudice the position of private persons in any subsequent proceedings. Meanwhile the Attorney-General has made it clear that no criminal prosecutions will follow, but that proceedings under the Aliens, Revenue and Bankruptcy Acts are not excluded. And although Mr. Gibson later complained that he was faced with no specific charge it is a fair reply that the nature of the allegations against those involved was made abundantly clear by Sir Hartley's opening speech to the Tribunal.

The Attorney-General and his assistants cross-examined all witnesses including Ministers and public servants. This is in contrast to the procedure of 1936 when, as mentioned above, members of the Tribunal themselves undertook important cross-examination. So there was no cause for witnesses to feel that members of the Tribunal were hostile to

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them. The duty of the Attorney-General is to assist the administration of justice, and the questioning of Mr. Belcher by Sir Hartley Shawcross serves to emphasise that the office is primarily judicial and not political in character.

The Belcher case has raised a number of serious questions, e.g., the activities of "contact" men, the proper relationship between senior civil servants and junior Ministers, the delicate position of Ministers and officials who have to deal with applications from personal friends, and the difficulties confronting Ministers without a private income. The present trend in public affairs will make these problems ever more pressing but they lie outside the scope of the present article. The Belcher case has also renewed the discussion on Tribunal procedure. Mr. Blackburn has been a steady critic.²⁰ Mr. Belcher won some sympathy from the House when, in his resignation speech, he referred to the unthinking cruelty of modern publicity and criticised the detailed questioning of his wife.²¹ In the same debate the Prime Minister commented that none of the critics had supplied an alternative for cases that needed extraordinary enquiry.

Since then it has been suggested²² that in future cases of this kind a special investigator should be appointed to sit in private. If the investigator found that the rumours were unfounded his report to the Government would be published. Otherwise the report would not be published, and specific charges would be made against those implicated. These charges would not necessarily be criminal in character and would be heard by a tribunal of inquiry, possibly sitting with a jury. Thus the accused would know the exact nature of the charges and could prepare a defence, and would benefit from the presumption of innocence and the normal rules of

evidence. Also, under this system, if the allegations proved baseless there would be no public hearing and witnesses would not suffer unfavourable publicity. This scheme seems worthy of consideration although I am doubtful about the use of a jury in such cases. And the integrity of the investigation behind closed doors could be questioned, and rumours and suspicions might find it easier to linger on.

Clearly there is a case against the procedure by Tribunal of Inquiry. But there is also a case in favour. It is essential that the famed probity of our public life be maintained, and especially now that the orbit of State action is being rapidly extended. When serious allegations are made against members of the Government or against public servants they must be investigated. In such cases the evidence is normally complex and conflicting and possibly some of the information could not be elicited under the normal rules of evidence. And the original evidence may not be strong enough to justify a criminal prosecution. Yet, if an atmosphere of suspicion is created it must be cleared away by an enquiry. Unless it is argued that criminal prosecution should be commenced in every case, possibly on incomplete evidence, the procedure by Tribunal of Inquiry seems inevitable, as Parliamentary investigation has proved to be unsatisfactory.

Further it is said that some people may suffer undeservedly through having some slight connection with an enquiry. But the searchlight of justice normally is accurate, and the domination of public needs over private rights is, in this instance, not difficult to justify. The public service must demand a code of quite special strictness, and a slight indiscretion by anyone charged with public responsibility must be treated with unusual severity.

¹ Cd. 311 (1897).

² H.C. Debates, 27 July, 1897, col. 1172.

³ H.C. Debates, 18 June, 1913, col. 420 *at seq.*

⁴ By Captain Loseby, M.P. for Bradford East. H.C. Debates, 22 Feb., 1921.

⁵ H.C. Debates, 7 March, 1921, col. 192.

⁶ H.C. Debates, 7 March, 1921, col. 195, and 8 March, 1921, col. 399.

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- ⁷ Cmd. 1340, paras. 15 and 16.
⁸ H.C. Debates, 17 May, 1928, col. 1216, and Jennings, *Parliament*, pp. 95-6.
⁹ Cmd. 3147.
¹⁰ H.C. Debates, 17 May, 1928, col. 1335.
¹¹ H.C. Debates, 23 April, 1936, col. 35.
¹² H.C. Debates, 5 May, 1936, col. 1551 *et seq.*
¹³ Cmd. 5184, pp. 17 and 23.
¹⁴ H.C. Debates, 11 June, 1936, col. 413 *et seq.*
¹⁵ Cmd. 5184, pp. 3-4.
¹⁶ Budget Disclosure Enquiry. Minutes of Evidence, Question 2502.
¹⁷ H.C. Debates, 11 June, 1936, col. 415.
¹⁸ H.C. Debates, 10 June, 1936, col. 206.
¹⁹ Report. Cmd. 7616, para. 12.
²⁰ H.C. Debates, 27 Oct., 1948, col. 92; and 3 Feb., 1949, col. 1865.
²¹ H.C. Debates, 3 Feb., 1949, col. 1846.
²² By Mr. R. T. Paget, M.P. Letter to *The Times*, 9 Feb., 1949.

The Reminiscences of Sir James Grigg*

SIR JAMES GRIGG shares with Sir John Anderson and Lord Hankey the distinction of having become a Cabinet Minister after a distinguished career in the Civil Service. This volume of reminiscences shows what a remarkable career the author has had; the section headings make this clear—the Beginning, Treasury and Army, Private Secretary (to five Chancellors of the Exchequer), India, the War Office, Secretary of State for War, with dissertations on the Ruhr Occupation and the 1931 economic and political crisis.

The reminiscences are not those of a sedate, elderly administrator, calmly reflecting in old age upon his association with the administration of the Departments in which he had served; they are rather the reminiscences of one more interested in personalities, politics and policies, of one who believes (as he says) that "what is of interest is more the actual achievement than the means by which it is achieved." Somewhere in the book he speaks of having observed politics "from a ring-side seat." That he was observant no reader of the book will deny, but I am sure he was not seated, at least for long: I knew him as a colleague for most of the time covered by the book and I rarely saw him seated!

Nevertheless, I advise every student of administration to read these reminiscences (and every young civil servant and those others who doubt whether the Civil Service affords scope for interest, enterprise, initiative), though they will not find it a text book on administration. There are but brief references to the machinery of government (he had no time to think about that except during his short spell at the Inland Revenue) or to the Civil Service, its merits, or its defects and the remedies therefor. But there is no reason to doubt that he has views upon these matters and, if he should ever decide to grow old enough to allow the reflective processes to function fully, perhaps we may yet have his account of the principles of administration and of its practice in relation to the public.

Sir James has written a book which (in form, not in substance) is a modest one—surprisingly so, some may feel—and the restraint upon the prejudices and upon the judgments is unexpectedly well maintained. The demands upon the printer for fresh supplies of capital "I's" were fewer than must generally have been the case with autobiographical books. Indeed, it is one of the virtues of the book, one of its charms, that it gives a personal first-hand account of a long series of important national events without the obtrusion of the personality; it might be the work of a passive onlooker, interested, but no more. In fact, the story is that of a participant, passionately concerned, dynamically active, albeit "behind the scenes." The description of the nine or ten Budgets introduced whilst he was Private Secretary to successive Chancellors of the Exchequer typifies the quality of the true administrator—absorbed in the work of his office and mentally (almost spiritually) identified with it, eager to help the formation of policy, unsparing in the determination to see that it is settled only after adequate consideration of all the relevant factors, and then active in co-operation with the executive machine to see that it is carried into full effect.

Born in 1890, Grigg went to the local elementary school, where he was fortunate in securing a degree of encouragement which, working on an obvious store of "quick wit and power of amassing knowledge," led to a scholarship at Bournemouth School, followed by a Senior Scholarship at St. John's. Four years at Cambridge ended in his taking first place in the Class I Civil Service Exam., a position which brought him to the Treasury at the end of 1913. He had seven years in the Departmental Treasury (interrupted by three years of Army Service) and then for ten years was Private Secretary to the Chancellor of the Exchequer—Robert Horne, Stanley Baldwin, Neville Chamberlain, Philip Snowden (twice) and Winston Churchill—a diverse and dissimilar

* *Prejudice and Judgment* (Jonathan Cape), pp. 447. 16s.

group for all of whom he shows admiration and (except for Neville Chamberlain with whom he worked for only a few months) marked affection. There was then an interlude—it proved to be nothing more—for three years during which he was Chairman of the Board of Inland Revenue. In 1934 he went to India as the Finance Member of the Viceroy's Executive Council. Returning to England in 1939, he spent the six war years at the War Office, three as Permanent Under Secretary of State and three as Secretary of State for War in the Churchill Government. That is a remarkable career and the record of it in this book is also remarkable; here are 400 pages crammed with interest, written with the zest and enjoyment felt only by one who is conscious of having led a full life and is young enough still to feel the urge to live still more.

The 400 pages comprise a robust, vibrant, colourful—almost kaleidoscopic—account of a large proportion of the chief events of the 25 years from 1920 to 1945. Sir James is at pains to emphasise that he is not attempting to write a history of the period, least of all a history of the recent war, though he gives a clear picture of the history of the War Office and of much of the Army during the war: but it remains the case that his book is in fact a brief history of home affairs during that quarter of a century, with brief glances at foreign affairs when they came within the purview of his political chiefs. Naturally in so small a compass we are given only glimpses of many of the events, and the reader will often be left wishing that accounts of incidents or analyses of policy or descriptions of individuals were less abruptly finished.

There are vivid pen-pictures of the Chancellors of the Exchequer who held office while he was the Principal Private Secretary at the Treasury. Though they were of such diverse personalities, he shows admiration for them all (perhaps there is always a tendency for private secretaries to see—or at any rate to express publicly—little but good in their chiefs) and each secured from him a measure of affection, their "order of

merit" being—Churchill, Snowden, Baldwin, Horne, Chamberlain. Throughout the book it is repeatedly made clear that his admiration of Winston Churchill knew—and knows—no bounds. Thus (p. 174) "Looking back over a period which is already more than twenty years old, I notice that, with Winston's advent, the character of my recollections changes. Instead of being centred mainly on events and only secondarily on persons, I find them clustered round a single dominating personality . . ." "During these years (1924-29) my life was spent in the almost daily company of the most brilliant and versatile individual who has lived in our age. Nobody in our time has been so Protean, so much of a Michelangelo or a Leonardo, and it would be surprising indeed if my memory of these years did not consist mainly of a series of impressions and sketches of this one man."

The appreciations and appraisal of Stanley Baldwin and Philip Snowden are among the best of the "judgments" set forth in the book, and in the appendix are sketches of six of the greater war generals—Alanbrooke, Montgomery, Alexander, Paget, Giffard, and Dill.

In India Grigg found fresh sources of interest and the section devoted to his work and experiences there is full of colour, with pungent comments upon the way in which Gandhi and the Congress Party were financed by the wealthy Indian industrialists. As elsewhere in the book, he has much to say about the personalities (white and black) with whom he came in contact. Returning from India at the end of 1939 (if affairs there had changed less rapidly he might well have gone back as Governor of one of the Provinces, perhaps even as Viceroy) he was disappointed not to be going to the Treasury to succeed Warren Fisher. Instead, he went to the War Office, but not without hesitation. He was "strongly tempted" to take his pension and seek a new career. "On reflection, however, it occurred to me that war with Germany was probably inescapable and I knew that, if it came, I shouldn't be able to keep out of it.

So I decided to accept the War Office." There he was confronted by the complications arising from (1) the recent acceptance of a continental land commitment in the event of war, followed by a decision to increase the Expeditionary Force from two to four divisions; (2) the establishment of a Ministry of Supply, charged with many functions affecting the Army and formerly under the control of the War Office; (3) the man-power questions connected with the doubling of the Territorial Army and the introduction of conscription; and (4), in a few months, the outbreak of war. Grigg pays tribute to the smooth working of the War Office machine when war came, but there were defects in the organisation of the Department (still based upon the Esher Report of 1904) and notwithstanding the demands of the war he was able to devise and put into operation an administrative instrument which made an immediate impression upon the Office and which will have a lasting effect upon both the military and civilian administration of Army affairs. This instrument (the result of a Standing Committee on Army Administration of which, as Permanent Secretary, Grigg was Chairman) took the form of an Executive Committee of the Army Council, with the Permanent Secretary as Chairman and the four or five members of the Army Council who had large administrative functions as members, combined with an Army Council Secretariat. The task of the Executive Committee was to settle all questions—other than those in the operational or strategic sphere—which did not involve major policy and which need not therefore come to the full Army Council, and also to thresh out the larger questions in order to reduce them to either an agreed recommendation or an agreed statement of differences for the adjudication of the Council. It was to be the business of the secretariat (composed equally of soldiers and civilians) to become familiar with what was going on in the branches, to bring these together when there was danger of overlapping or friction, to direct questions where necessary or

desirable to the Executive Committee, to take the minutes of the Committee and of the Army Council and to promulgate the conclusions.

The passage in the book dealing with this development, which is probably Grigg's principal direct contribution to administrative practice, will make many readers wish there had been more time to write about this or that phase of departmental working as seen by this very observant "onlooker." They will regret, for instance, that there are only a few lines on the mechanics of Budget-making, interspersed among many absorbing pages on budgetary policies and the inter-connected politics. Some other passages of interest to the student of administration are (1) the "training" given to the young Treasury entrant in 1913, training which may shock some of those concerned with the recent official pronouncements about the way in which young civil servants should be handled on and after arrival. "His method was in the main to make me try to do things for myself and then, with some relish, to point out what I had done wrong": (2) the description of the functions and status of a Minister's Private Secretary: (3) the exposition of the position of the official Head of the Civil Service—forming part of a portrayal of Warren Fisher: (4) the reminder that an immutable factor of every economy campaign is that "everybody was convinced that there were too many civil servants and nearly everybody was sure that they were paid too much".

The reminiscences conclude with an Epilogue that is a masterly survey of the social, political, and economic condition of this country from before 1914 to 1947. This leaves no doubt as to Grigg's dislike and distrust of "the corroding doctrines of Marx and the hatreds and divisions they are designed to engender." He is in himself and in his career so clear a refutation of the extremist equalitarianism that it is not surprising that he should both hold and express those views. What is to be his future? It would be a loss to politics and perhaps to statesmanship if one who has been so

closely and actively associated with governance for nearly 30 of his 58 years

should now disappear into the private, unofficial, non-governmental world.

HORACE WILSON.

International Training in Public Administration

THE study by the United Nations of the question of providing international facilities for the promotion of training in Public Administration began with a resolution of the Economic and Social Council of 24th February, 1948, recommending that the Secretary-General prepare a study concerning the development of international facilities for the promotion of training in public administration.

M. Louis Camu of Belgium was engaged as a consultant to assist in carrying out this study. M. Camu conducted his study in collaboration with representatives of the Secretariat and with the advice of a large number of experts in the field of public administration living in various countries. M. Camu later submitted a report of his findings and recommendations. The Secretary-General then consulted the specialised agencies, other appropriate international organisations, and the Advisory Committee on Administrative and Budgetary Questions before submitting his report on this subject to the Fifth Committee of the General Assembly at its third regular session.

The General Assembly, at its third regular session, adopted on 4th December, 1948, the following resolution regarding international facilities for the promotion of training in public administration :

" THE GENERAL ASSEMBLY,
RECOGNISING the need for international facilities which will provide

adequate administrative training for an increasing number of candidates of proved ability recruited on a wide geographical basis, but mainly from the countries in greatest need of access to the principles, procedures and methods of modern administration,

" RESOLVES that :

" 1. An International Centre for Training in Public Administration shall be established under the direction of the United Nations ;

" 2. The Secretary-General shall report detailed arrangements for such a centre to the Economic and Social Council for consideration ;

" 3. The Secretary-General shall include in his budget estimates for the financial year 1950 a programme implementing the objectives of the present resolution."

The Secretary-General has stated that he will confine his efforts during 1949 to the selection of the directing staff for the Centre and the conduct of detailed studies and preparations for operating the Centre in 1950. Advice of the International Civil Service Advisory Board will be sought. An expenditure of \$16,700 for 1949 was approved by the General Assembly. In accordance with the resolution of the General Assembly, the Secretary-General will report detailed arrangements for an International Centre for Training in Public Administration to a later meeting of the Economic and Social Council for consideration.

INTERNATIONAL TRAINING IN PUBLIC ADMINISTRATION

The Secretary-General's report discussed by the Fifth Committee had included the following proposals:—

(a) An International School of Public Administration for younger Civil Servants or potential Civil Servants.

(b) An International Administrative Staff College for experienced Civil Servants.

(c) Exchange of Civil Servants.

(d) Exchange of technical information in the field of public administration.

At the discussions at the Fifth Committee opinions were divided and there was only a fairly narrow majority in favour of the proposals. There was a good deal of scepticism about the value and, indeed, the practicability of (a) and (b).

The United Kingdom expressed themselves in favour of the proposal at (c), if

carried out on a modest scale and provided the Civil Servants were experienced people and carefully selected. Indeed, United Kingdom Government Departments already receive a fair number of such visitors and arrange programmes for them. They also "export" a few United Kingdom Civil Servants for similar purposes, e.g., under the Commonwealth Fellowship scheme, by which Home Civil Servants visit U.S.A. for periods up to a year. The visits in both directions are for the purpose of observation and discussion; it is unlikely that such visitors could normally be employed on "live" work.

The exchange proposed at (d) already takes place on a bilateral basis and on a considerable scale. Without interfering with existing arrangements there would be advantages in having an international focal point.

The Treasury is keeping in close touch with discussions about the next steps.

STUDY AT HOME FOR THE LONDON UNIVERSITY

DIPLOMA IN PUBLIC ADMINISTRATION

The examination for this Diploma can now be taken by candidates who (1) have passed or obtained exemption from London Matriculation; or (2) have obtained a School Certificate or some recognised equivalent qualification and have for two years held an approved appointment in a Public Office. Attendance at University classes is not necessary; candidates can prepare for the examination at home. The Diploma has greatly increased in importance as a qualification for those engaged in local government service. Founded in 1894, Wolsey Hall prepares candidates for D.P.A. Examinations by means of up-to-date postal courses drawn up and individually conducted by highly-qualified graduate tutors. A Guarantee is given that, in the event of failure, tuition will be continued free of charge. At the 1948 Examinations (Whole Exam.) 73 WOLSEY HALL STUDENTS PASSED, forming OVER ONE THIRD OF THE PASS LIST; 59 Passed in one Part only.

Prospectus free from C. D. Parker, M.A., LL.D., Director of Studies Dept. HJ28,

WOLSEY HALL, OXFORD

CORRESPONDENCE

University Training for Public Administration

Sir,

It is not true, as stated on p. 30 of PUBLIC ADMINISTRATION, Vol. 27, that a degree in Medicine or Law is "a necessary qualification to practise." In medicine such qualifications as M.R.C.S., L.R.C.P. will suffice. In law not only is the degree not necessary, but it is *not* a qualification to practise at all, necessary or unnecessary. In fact, I doubt whether 50 per cent. of either branch of the profession have a degree in law though the possession of it has become much commoner in recent years. Furthermore, it is probably true to say that most of those who take the degree do not in fact enter the profession. I believe it is true to say that there are still members of the profession who advise against taking law at the Universities for those who enter the profession—it was certainly not uncommon when I entered it. Furthermore, I doubt whether there is any profession for which a degree is a *necessary* qualification.

It is even more important to say that it is not true that those allegedly "vocational courses" continue to exist in the Universities for "no valid reason at all." A university course in law is not essentially designed or usually taught for the acquisition merely of a knowledge of legal rules. Its purpose is to enlarge and strengthen the mind of the undergraduate by the study of legal processes of thought, which differ markedly in various branches of law. It represents one of the sternest intellectual disciplines which the University provides and it is in my view the primary purpose of academic study that such disciplines should be acquired. Some study of the administrative mind in practice strengthens this view. I would, therefore, add as my contribution to the problem of Public Administration as a University study that it can be valid so far only as it develops the undergraduate's logical

processes of thought as well as enlarges his horizon of knowledge.

I am, Sir, etc.,

HAROLD POTTER.

Appeals under the Town and Country Planning Act, 1947.

Dear Sir,

Hitherto the humblest subject in Great Britain has enjoyed the right to appeal to a Court of Law if he felt himself to be injured in person or property by an act of the executive. The Town and Country Planning Act, 1947, violates this principle by vesting in the Minister of Town and Country Planning final jurisdiction and the power of granting costs in certain cases of dispute. Mr. Haar, in his article in the Spring number of PUBLIC ADMINISTRATION for 1949, attempts a justification of this dangerous curtailment of individual liberty. "The finality of the Minister's decision," he says, "seems justified in this type of appeal, where departmental policy is of such overwhelming importance." This is a fair statement of the totalitarian principle that in a dispute between the individual and the executive the latter must be the sole judge in the case.

Now let us see how the Minister carries out the statutory duty placed upon him, a duty which he has no authority to delegate to another. Someone in his office drafts an appeal order, an Assistant Secretary signs it "for" the Minister and it is communicated to the party as the Minister's final decision. Sometimes he does not even see the draft! He "sees (*sic*) important decisions, sometimes even the unimportant ones, when he feels particularly interested in a certain subject . . ." Mr. Haar evidently considers this "loosening of the formalities of court procedure" as "even-handed justice" as a satisfactory substitute for the impartial decree of a Court of Law. His idea of individual liberty, of justice, even of administrative propriety, is certainly not mine.

Yours truly,

PERCY MACQUEEN.

Parliamentary Representation

Sir,

Peter Campbell, in his review of Dr. Ross's "Parliamentary Representation," makes certain errors of fact regarding proportional representation.

It is not true that P.R. (the single transferable vote) "would make more seats safe ones to be filled by party hacks"; on the contrary (and this is one reason why the party machines dislike P.R.), it enables the voters always to have the choice between two or more candidates of the same party, and—if they so choose—to elect the "rebel" over the head of the too obedient party man. A party may be quite sure of retaining one of the seats in a given constituency, but it cannot dictate what individual is to fill that seat—the voters settle that.

It is also untrue that, under our present electoral system, "the party with most votes gets most seats." Usually, indeed, it does, but not always. In 1929, for instance, it was our *second* largest party which had the most seats in the House of Commons and which formed the Government. More important still, we have seen recently a general election in South Africa giving power to the smaller of two groups—and that in spite of the fact that electoral pacts on both sides prevented a single candidate being elected on a "split vote."

Parties	Votes	Contested Seats won
Smuts parties	547,437	60
Malan parties	442,338	78
Others ...	76,279	0

Surely it is too great a risk to continue using a system which has put the Malan Government in power against the wishes of a substantial majority of the South African voters.

Yours faithfully,

ENID LAKEMAN,

Research Secretary, Proportional Representation Society.

Mr. Peter Campbell has sent the following comments in reply:

Surely P.R. might well make more seats safe ones to be filled by party hacks? Suppose that in a five-member constituency experience had shown that the Buffs and the Blues usually gained two seats each, the fate of the fifth seat being uncertain. Then the Buffs (or the Blues), realising that P.R. would prevent them sweeping the constituency and that they were unlikely to gain more than three seats, might put up only three candidates. Those candidates might be as much party hacks as the present-day candidates rightly denounced by Dr. Ross. Unless they were prepared to revolt—as, I admit, they might be, and P.R. would make revolt easier—the Buff electors would have to vote for the Buff hacks, and could only express their dislike of the least satisfactory Buff, who might be defeated in consequence. Only if the parties nominated more candidates than they expected to see returned would the voters who were not prepared to revolt have a really effective choice in this fairly stable constituency. That many areas are relatively stable has been amply proved by the advocates of P.R. The natural result—that the parties nominate only as many candidates as they expect to see returned—has been experienced in some constituencies in Eire.

The aggregate figures for 1929 show that the Conservatives gained more votes but fewer seats than Labour. I believe, however, that crude comparison is misleading. The Conservatives had 20 more candidates than Labour. In Ulster and the Universities there were 21 Conservative candidates for whom votes could be cast and only three Labour candidates. If Ulster and the Universities are excluded then the Conservatives had 569 candidates, polled 8,262,002 votes, and gained 242 seats; Labour had 567 candidates, 8,357,593 votes, and 287 seats (*The Times House of Commons*, 1929). Thus even in 1929 the party with most votes gained most seats.

I agree that the South African result was unfair to General Smuts's parties. But I am inclined to think that it was due not only to the system of election but also to the disproportionately great representation of the rural areas. Those areas are predominantly Boer, and the increased support Dr. Malan's parties

gained from the Boers was reflected by those parties' disproportionate gains in the House. The importance of this factor cannot easily be estimated. I am greatly indebted to Miss Lakeman for a careful analysis which suggests that this factor may have been much less important than the system of election.

Civil Service Nomenclature in Canada

In a review of Professor Dawson's "Government of Canada" in the Winter 1948 issue of PUBLIC ADMINISTRATION D. N. Chester commented on "the Canadian practice of giving the title of Deputy Minister to the permanent head of the Department." He went on to say "Whilst in Britain the permanent secretary may in effect be the Minister's deputy, it is hardly conceivable that we would mix our nomenclature to the extent of allowing a possible confusion of responsibility between the political and the permanent elements in a Department."

To this Professor Dawson replied: "The use of the term 'deputy minister' causes no such problem as you suspect from a possible confusion in the political and permanent elements in the department. Such a possibility has never occurred to me nor, so far as I know, to anyone else. The common terms used in conversation are 'Minister' and 'deputy'—and, of course, 'assistant deputy' when necessary, a usage which is shorter and, perhaps, less suggestive of the danger you mention. Is the Canadian nomenclature far away from the British—Secretary, parliamentary under-secretary, and permanent under-secretary?"

In a subsequent letter he wrote:

"Curiously enough, since I wrote you, there have been two incidents which have reinforced the point which you originally raised. Manitoba has blossomed out with a 'Deputy Premier'—the real article, who is a member of the legislature and who takes the place of the Premier when necessary. Mr. St. Laurent, however, mixed things up properly when he announced that

he was going to have a 'Deputy Prime Minister' in the person of a distinguished civil servant. For the first time, to my knowledge, this use of 'deputy' in this sense caused some alarm and precisely for the reasons you advanced, with the result that I saw a statement several days ago that the term would be dropped. However, 'deputy minister' is with us to stay, for we never give its literal meaning a thought; but the two incidents above might almost have been made to order for your special benefit."

H. B. Mayo of the University of Alberta has sent the following comment:

"The mixing of nomenclature for the permanent 'head' of a department is both worse and better than you suggest. Better, because to call him Deputy-Minister is not really confusing, nor does it tend to bring him into political controversy. This has the weight of provincial experience to confirm it, so that, being used to Deputy Ministers in provincial government, the public naturally thinks also of his counterpart at Ottawa as a permanent civil servant.

There is some confusion however, because the title of Deputy Minister is not used in *all* departments. The Secretary of State for External Affairs, and the Secretary of State (equivalent, say, to the Home Office), designate *their* permanent official as 'under-Secretary'! This, it seems to me, is asking for confusion with the political, as you can see. Consequently, I am inclined to think that if these two departments also used the title of Deputy-Minister everything would be comparatively clear. I see no prospect of their doing this!

CORRESPONDENCE

Not only is the title *Assistant D.M.* used, but now I understand *Associate D.M.* is coming in, and is sometimes used to indicate, I suppose, a more careful grading of the hierarchy, with the latter

ranking somewhat higher. Compare the use of this grading in the case of Professors in Canada and the United States."

Reviews

Comparative Local Government

By G. MONTAGU HARRIS. (Hutchinson's University Library). Pp. viii + 207. 7s. 6d.

THE series of which *Comparative Local Government* forms part is intended "to provide popular yet scholarly introductions for the benefit of the general reader, but more especially for the unprofessional student who wishes to pursue his chosen subject systematically up to something like a University standard. The books should be of special value to members of adult education classes of all kinds, but it is believed that they will also be serviceable for undergraduates." It is perhaps remarkable that the volume under review, designed presumably to meet the aim set out above, is the only book readily available to readers in England which covers the field at all.

The study of local government as an academic subject is attracting increasing attention as the teaching of public administration develops at the universities and it is also finding a place as a subject in the training of local government officers. Whatever the doubts that may be held about the susceptibility of some aspects of local government to academic exposition, comparative local government is evidently suitable for it, not only because reading about foreign systems can provide interest and stimulation, but because, by contrast, the fundamental characteristics of the English system can be more distinctly seen. Yet there is no body of literature which subjects the various systems of local government to a comparative analysis, subject by subject. There are a few books which contain within the same covers material about more than one system—notably *Local Government in Many Lands* (second edition 1933) by Mr. Montagu Harris, and *Local Government in Europe* (1939)—five studies of Britain, France, Germany, Italy and the U.S.S.R., edited by Professor William Anderson. Two books published before 1914—Mr. Harris' own *Problems of Local Government* and Professor Ashley's *Central and Local Government* do treat the subject in a comparative manner but there is very little since.

The last chapter of *Local Government in Many Lands* gathers up by subject some of the information already given by country in the rest of the book and there is a good deal of material, though not always easy to find or to handle, in the transactions of the International Union of Local Authorities and in the four-year run of its periodical, *Local Government Administration*. Important because of its quality, the discussion of comparative local government introduced by Sir J. P. R. Maud into his book on City Government in Johannesburg should be mentioned, as also the comparative treatment of the central government hierarchies, which come into close relation with local government, in the second volume of Dr. Finer's *Theory and Practice of Modern Government*. But that is practically all that the English student of comparative local government can lay his hands on if he wants a genuinely comprehensive study. It is, however, fortunate that when this void comes to be filled by a single book, designed mainly as a text-book for the adult student or the undergraduate, that it should have been written by the one person whom all would recognise as the foremost on the subject. Mr. Harris' standing in the international field is exemplified by his presidency of the I.U.L.A., but it should not be forgotten that during forty years he has seen English local government from every possible angle—as clerk of a county council, elected member of a county borough council, official of the Ministry of Health and university teacher and researcher.

At the outset Mr. Harris is faced with the task of defining his subject and decides that it includes both local state government—the government of all parts of a country by means of local agents appointed by, and responsible only to, the central government—and local self government—government by local elected bodies, whose powers are conferred by the central government, whose status

lies between that of agents of the central government and that of states in a federal structure deriving their powers from the same constitution as that from which the union government itself derives its powers.

One might argue that local state government includes some activities that cannot be the concern of comparative local government, which is interested in local state government only in so far as it has relation with local self-government, or carries out practices which in other countries are the task of local self-governing authorities. The real reason for studying local state government in countries such as France and Germany is that local self government in those countries cannot be understood by itself. In Britain and the United States, the system of central and local government are quite distinct, though there are close relations between them. In the French and German systems there is a partial inter-penetration, since at one level there is a central official like the prefect also doing important local government work and at another there may be a local government official, like the *maire* or *bürgermeister*, who also acts as the agent of the central government. In the Soviet system, of course, the inter-penetration becomes co-incidence; local authorities are "local organs of state power" and distinguishable from the central government, not in *genus*, but merely in the size of the area for which it acts. Reading Mr. Harris' chapter on central control of local authorities, the casual reader possibly might not perceive the full strength of the central government's position in continental countries in that it has its own officials acting, as it were, as clerks of county councils, in addition to their local work for the state. It is significant that those wishing to re-model French local government after the war have picked upon this feature as one of the first for treatment, insisting that the prefect should be restricted to his purely state functions and that the council-general of the department should be able to carry out its decisions through an executive of its own.

Mr. Harris has arranged his work under seven subject heads—areas, the local authority, officials, functions, finance, central control and public relations (this covers also elections, the initiative, referendum recall, etc.)—and two general chapters, one at each end of the book, entitled "Underlying Principles" and "What of the Future," which serve to gather up in paragraphs allotted to each country the information that might otherwise have remained disjointed if only left separately in the subject chapters. The number of countries covered is not limited, even though the length of the book is comparatively short. A feasible alternative, that would have allowed more elaboration both of principles and details, would have been to restrict the scope to perhaps five countries—Britain, U.S.A., France, Germany, and U.S.S.R., but this would have meant that one of the five was Germany, a country which had one system before 1933, a rather different one between 1933 and 1945, and apparently four different ones since. Such a course would also have meant leaving the Low Countries and Scandinavia, as well as the British Dominions. So it is perhaps fortunate for us that Mr. Harris chose the more comprehensive field, to which he has unrivalled means of access, even though much of the information, as he admits in his preface, may be out of date, and some of it, on the sources actually quoted in the text, undoubtedly is. Even though there is deliberately little reference to central or South America or the Balkans or to Asia, the range of countries about which information is given is wide enough to make some of it look rather snippetty; stray items about the vocational composition of councils in Latvia, or taxes on brandy in Rumania, though interesting in themselves, do not necessarily contribute to the building up of a coherent picture. While the student must be grateful that such an authoritative work as this is available so cheaply, its compression within some 70,000 words has meant that some points, worthy of some elaboration, have had to be left after only a brief reference. Thus there is not so full a discussion as one could wish of the

various methods of central control, or of the differences in relationship between the execution and legislative elements in the local authority, and of similar issues of general principle. It is not easy to trace the extent to which the local system of a particular country has been determined by its political tradition; for instance, the centralisation of local administration in France, a country where central government is as democratic as that of Britain, may be accounted for in part by the principle of the Republic, one and indivisible, and in part by the reluctance of successive régimes to discard a machinery so useful in tying the country to Paris. Again, in Germany, one can see the influence of the historic German towns in municipal organisation and of the former assemblies of local landowners in the "self-government" of the rural areas before 1933. Factors of this kind are not part of the study of comparative local government strictly defined, but it is difficult fully to understand it without them. In a few passages of the book, the need to compress has resulted in some obscurity; for instance, on p. 33, a clearer distinction might be made between the "towns" of New England and the "townships" of the Middle West—institutions very different in character; on p. 123 the English general rate, the American general property tax and rates on unimproved values in the Dominions are grouped rather uncomfortably under one sub-heading; on p. 179, Mr. Harris (himself a former secretary of the County Councils' Association) says that the four main English local government associations do not "concern themselves with research or civic education" which is a little hard in view of the part they are playing in the work of the Consultative Committee on Publicity for Local Government.

The Bibliography is short and is headed "Publications which have been used in this book and from some of which passages have been quoted." It seems to the present reviewer that many of those who will use this book will be students wanting further reading to be obtained from a public or similar library, and since Mr. Harris has naturally used mainly the *recondite*, though of course authoritative, works his bibliography may not be as helpful to them as it might be. For instance, for German Local Government he cites two works in German by Jeserich, but not Roger H. Wells' *German Cities* or Blachley and Oatman's *Government and Administration of Germany*. For France, R. K. Gooch's *Regionalism in France* is mentioned, but not the works of E. M. Sait or W. R. Sharp, nor the chapter on the municipal civil service in Sharp's *Government of the French Republic*. For the United States, reference might have been made to the recent works, such as that of Austin F. Macdonald which are now available in some public libraries. It might thus have been more in keeping with the aims of the series to have given a bibliography of books that a student might consult rather than those few which an expert of Mr. Harris' long standing found it necessary to consult.

These criticisms do not impair the intrinsic worth of this book. It is the only book which covers the field and it does so with lucidity and comprehensiveness. It is written in a style easy to read, enlivened at appropriate places with straightforward comments on political theory, and if its concise and painstakingly subdivided text sometimes has the appearance of a *Larousse* of local government rather than a postgraduate monograph, that is no disadvantage for a book with aims such as those of the series to which this book belongs.

V. D. LIPMAN.

Housing Subsidies and Rents

By J. R. Jarman. (Published 1948 under the auspices of the Institute of Public Administration by Stevens & Sons Limited, London.) Pp. viii + 294. 25s.

MR. JARMAN has written a good book. It is a factual study of the administration and policy of local housing authorities

between the wars, based on an on-the-spot investigation of more than 100 urban authorities in England and Wales.

The study is detached, and the author has no axe to grind. He brings forward so many problems, however, and points out so many inconsistencies, that his quiet work eventually makes a clear demand for certain changes.

The book deals with all the major legislative and administrative developments in the inter-war period, and can be read as a general work in its field. But the two outstanding problems treated are the sharing of the financial burden between central and local government, and the results of attempts to lighten the load for the individual tenant.

Two facts are at the root of all present housing difficulties in this country, and they affect both public and private housing: first, it is never again going to be possible to make profits out of housing the working classes at an acceptable standard, and second, the structure of rents is illogical and has been rendered more so by well-meant government regulation.

Jarman recognises the existence of a general rent problem—how could he not?—but rightly concentrates his interest on local authority policy. Nevertheless, throughout the study the level of rents of non-local-authority working-class housing intrudes its influence. This appears to be one of the most intractable and urgent of present problems of social living, as the Unemployment Assistance Board found in 1934, and Beveridge in 1942. Fortunately to tackle it at this moment would involve no use of physical assets, nor even necessarily an expenditure by the Government. The time is unripe for a full-scale adjustment of rents, because building costs are unstable; but could not the next two years be spent fruitfully in working out principles for the re-determination of every rent in the United Kingdom, local authority and private?

The deterrent effect of uncertainty on private enterprise is often pointed out, and the present study illuminates the difficulties into which local authorities have fallen. "No real attempt was

made to hammer out a consistent rent policy," says Jarman, "nor to ensure that the subsidies provided would be applied by the local authorities where they were most needed . . . Inevitably, there was a great wastage of the subsidies." The rents were mostly not low enough to allow in many of the really poor, though in the '30s slum clearance activities resulted in rehousing certain poor families at low rents, while others in somewhat better circumstances, who through their rate payments were subsidising the new dwellings, remained themselves badly housed. "There is throughout," says Jarman, "a marked and inexplicable inconsistency between the policy of rigid control which was exercised over the rents of old houses erected before 1914, and the lack of purpose and absence of guiding principle for rents in the housing programme generally, and also in the maze of regulations created for the administration of each successive housing subsidy."

In the matter of differential rent assistance to individual families there was, however, far too little guidance from the centre. The present reviewer found Mr. Jarman's careful analysis of local authority rent rebate policy the most interesting part of the study, especially since it illuminated a number of problems encountered in Australian administration of rent rebates. Briefly, the Australian scheme (which is statutory, full details being embodied in a Commonwealth Act) involves fixing an "economic" rent, which all tenants are supposed to pay. But it is laid down that a tenant earning the basic (or male adult legal minimum) wage should pay only one-fifth of his income in rent, the remainder being rebated. For every shilling by which income increases above the basic wage, rebate falls by fourpence, and for every shilling by which income falls short of the basic wage, rebate increases, subject to a minimum rent of 8s.

Such a policy of fixing a full economic rent has not been pursued in Britain; the subsidy jointly provided by State and local authority has been used first

to deflate all rents, and only secondarily to assist those in special need. The objection to this is that poor persons who cannot afford Council rents, but nevertheless pay rates on their private houses, have to subsidise their more fortunate neighbours.

Of course there are numerous objections to rent rebates, the first being the need to investigate means. But if the principle is accepted good general rules should be laid down, with scope for necessary local variation. Jarmain believes that before 1939 the Ministry of Health "was largely negative, or at least indecisive" in giving guidance. He is able to point to many anomalies in local administration traceable rather to lack of direction from above than to a true reflection of differences in local needs.

What is needed, he feels, is "a decision to face the issues of housing subsidisation fairly and squarely," though in the meantime waste and injustice could be cut down by a closer study of differential rent assistance. Agreed; but will any but a thoroughgoing investigation of local authority and private rents of every level, and courageous decisions based on an investigation affecting all rents, suffice to bring rent policy in line with general social policy? Lord Beveridge has spoken on this matter with cogency, and what he said in 1942 has been rendered much more urgent by post-war cost increases. Meantime, Mr. Jarmain's book may safely be recommended as an admirable summary both of inter-war policy and of present-day problems.

RONALD MENDELSON.

Les Nationalisations en France et a l'Etranger

Volume I. Les Nationalisations en France, l'Institut de Droit Compare de l'Universite de Paris (Published by Recueil Sirey, Rue Soufflot, Paris 1948) Pp. 193, 286 Francs.

THIS book is the first of a series which is to be published by the University of Paris. It consists of a collection of studies on French nationalisation by members of a commission of enquiry set up by the Faculty of Law. Since its primary purpose is to act as an introduction to the volumes to follow, it would perhaps be as well to sketch in the final plan of the commission and the scope of their enquiry.

Post-war nationalisation in France has been characterised by wide diversity; for not only have the differing motives for nationalisation affected the extent to which it has taken place in the several industries, but also the legal status, powers, duties and form of the authorities created for the control of the various enterprises. The resulting confusion, particularly in the realm of law, has been so great that a number of parliamentary groups have for some time been attempting to classify the various types of national enterprise desired, and to define their authority.

In order to help the politicians to tackle these problems by comparison with methods used in other countries, the Faculty of Law in 1946, set up a commission to assemble facts on foreign nationalisation. This commission, composed both of academic staff from several French universities and of outside collaborators, is carrying out research on a wide scale. The replies to a detailed questionnaire which was sent out are now being followed up and volumes of fact and comment will be published in due course.

In the meantime the present volume has been issued; and is intended, by giving an outline of post-war French methods of nationalisation, to form a basis of comparison for the foreign material. It consists of seven studies: two of which discuss the subject as a whole, the remaining five each dealing with it in relation to a particular industry or service.

REVIEWS

The lengthiest and most important contribution comes from M. Maurice Bye, "Le conflit des tendances dans l'organisation du Secteur public." M. Bye discusses the political doctrines behind contemporary French nationalisation and analyses the problems of nationalisation in practice. He shows that in spite of certain tendencies in common, notably the adaption of the joint stock company to socialist use, there are profound differences in present methods due to the radically different approaches of the syndicalist and collectivist creeds (both doctrines having perhaps equal weight in France).

The second general study, by M. Bernard Lavergne, "La forme co-operative des nationalisations," is the only provocative section of the book. It is strongly critical of present French practice, both state socialist and syndicalist, and puts the case for the co-operative model of nationalisation, as used extensively in Belgium.

The next five sections deal respectively with the nationalisation of the coal mining industry (by M. Simon Gueullotte), gas and electricity (M. Jean-Marie Auby) banks (M. Georges Thomas) insurance (M. Maurice Picard) and the projected nationalisation of merchant shipping (M. Reuter). While each section is brief, each sketches in the position of the industry prior to nationalisation, the factors which led to the reform, the extent of the transfer and the compensation allowed, the status and structure of the new authority and the powers of control retained by the government.

This collection forms the most valuable basis for any study of contemporary French nationalisation. The book is worth reading for M. Bye's section alone; for his analysis is brilliant and his criticisms pertinent. Moreover, he continues to be impartial without losing his pungency. M. Lavergne, too, is most stimulating, although his frank pleading of a cause, however deserving, seems a little out of place in the present factual and objective survey.

The remainder of the book is also most helpful, for it gives clearly and concisely information which can otherwise only be gathered by tedious searches through journals and statutes. It does not, I think, do much more; for by confining themselves to legal and constitutional aspects of the change the authors have omitted much that would have been interesting.

A greater effort could, I feel, have been made to take up the points made in the first section of the book and to relate the problems discussed there to the particular industry or service. Much time is spent in reviewing past aspects of the subject—compensation, transfer and the like—rather than in analysis of the problems that have arisen under the new systems. Insufficient weight has, for instance, been given to the all important question of power and responsibility; the play of forces that has been going on within and between the authorities concerned with each enterprise being barely mentioned. While it is obviously too early to pass judgment, some estimate of trends and results could surely be made.

The text of the questionnaire sent out by the commission is appended. In brief it asks: what nationalisation has taken place since 1918 and for what motives: the legal form it has taken; the way financial problems have been tackled; the methods of administration adopted; the extent of government control over administration and finance; the political, economic and financial results within the country; and the international repercussions.

There has been a crying need for investigation on these lines and the Sorbonne is to be commended for undertaking a worth while piece of research. The volumes to be published should be a most useful contribution to knowledge. It is also to be hoped that, as more data becomes available, they will include a further supplement on French experience.

HAZEL V. STEPHEN.

La Modernisation des Instruments de Travail et des Methodes dans les Administrations Publiques

Cahier No. 4 de la Fondation Nationale des Sciences Politiques

By MM. HENRY PUGET, CANTEGREIL, GAUDRIULT, MARTIN, POINDRON, and DAMPIERRE, and Mlle LEVASSOR. (Armand Colin, Paris, 1948).

A SPIRIT of reform infuses French Government administration. With the liberation of France there began a resolute effort to replan and re-invigorate the public service. It is not a case only of important structural reforms; civil servants are acquiring a new outlook. A foreign administrator visiting Paris may, for instance, be struck by three things. First, a new emphasis on the convenience of *les administrés*—the code is no longer thought to be more important than the customer. Second, a growing insistence on measuring the cost of each administrative activity against the results that it achieves. Third, a valiant attempt—typified in the new National School of Administration—to break down inter-departmental barriers, so that civil servants may see themselves as members of a single team. But reforming zeal has been caught up by the economic blizzard and measures of long-term value are being delayed through lack of the immediate means of putting them into effect. Thus, there is a breathing space, time to do some hard thinking about questions such as the best lines of development for organisation and methods work or for services of a kind that are provided centrally in the United Kingdom by H.M. Stationery Office.

That is the context of the latest volume published by the Public Administration Research Centre of the French National Foundation of Political Science, on the modernisation of working tools and methods in the public services.

The volume opens with an introductory essay in which the problems are stated with ripe wisdom and a deep consciousness of the European heritage, by M. Puget, the distinguished Counsellor of State who directs the Centre.

There follow papers on office machines, microfilms and Government libraries, and the series concludes with a paper on organisation and methods work by the head of the O and M branch of the Ministry of Labour and Social Security.¹

The papers give some idea of what has been achieved and propound a policy for the future. It is natural that much of this should have a familiar ring and should be worth pondering outside France also. To take microphotography (or, if we are purists, photo-micrography!), we are familiar enough with microfilms as an insurance against the loss or destruction of documents and as a means of reducing the bulk of messages transported by air. But has enough thought been given to the possibilities of the system as a *substitute* for voluminous records that fill expensive filing cabinets and valuable floor space—or to the part that microfilms can play in the streamlining of large-scale clerical operations? What of Government libraries? Have they suffered from growing up independently in the Departments and what are the pros and cons of putting them under unified management? Office mechanisation can be exploited further but too much enthusiasm can be dangerous, and M. Gaudriault wisely ends his paper with the remark: “la machine la plus merveilleuse ne vaut que par l’intelligence de celui qui l’utilise.”

And, indeed, the writers throughout declare their belief in the primacy of the human element. Ironically, organisation and methods officers are most often up against over-organisation, excessive centralisation, and the breaking up of jobs into minute parts. All too often the benefits of the division of labour have

¹ The abbreviation “O et M,” though perhaps not yet admitted by the *Académie Française*, has now taken its place in the French administrative vocabulary.

become a will-o'-the-wisp and M. Puget notes with approval opposing tendencies, as in the *Préfecture de la Seine* where serialised procedures have been abandoned in favour of letting one man see the job through :

On confiera le dossier et le soin de le traiter, sauf pour décision finale, à un agent responsable de bout en bout ; il sera ainsi incité à l'initiative et recueillera le mérite en menant tout à bonne fin.

That, as it happens, is the central theme of a far-reaching re-organisation now being adopted after patient experiment by the O and M staff of our own National Assistance Board.

M. Cantegreil's essay on the place of O and M branches in the machinery of government will be of special interest to readers in the United Kingdom for its synopsis of American, Belgian, Dutch and French ideas on the subject. Most space is given to British experience because conditions here seem to be the most relevant to French needs, and our own advisory approach appeals more strongly to French administrators than the authoritative conception that has so far held the field in Belgium. (The two philosophies were debated at an international meeting in Paris in 1947). The description of our system is a little out of date, for the scale and scope of O and M work in the British Civil Service have greatly widened in recent years, but the essentials have not changed. The account given here is a fair one and it does not detract from it to emphasise that the O and M branches in the largest Government Departments are completely independent of the Treasury O and M Division. (That comes out in the course of the description, but the word *semi-autonomie* is used at one point.)

The Municipal Engineer

By L. B. ESCRITT. (Allan and Unwin) Pp. 252. 7s. 6d.

WHAT is Municipal Engineering, how does one enter the profession, what are the qualifications and qualities required of him who would succeed in it? All these questions and many others are asked by the man in the street and not a

The author explains one device used in France to enable an O and M branch to get along with a small staff : the appointment of a trained liaison officer in each division of the Ministry.

All large administrations need to guard against fatness and hardening of the arteries, and M. Puget quotes Byzantium, Spain in the Seventeenth Century, and Austria. "In the old Cavalry rules it was said that of all the faults of which a commander can be guilty one is inexcusable—immobility, inaction. For public administrations, among the worst capital sins that can be committed are stagnation and the ankylosis born of natural laziness and propensity to routine." In Britain, in the last century, Bagehot considered it to be essentially the Minister's job to enliven his Department, to shake up officials pompous with the memories of office, to bring the rubbish of office to the burning-glass of sense. M. Puget suggests that in O and M branches we have a new instrument of rejuvenation from within :

Big structural reforms are sometimes indispensable but they can only happen at long intervals and need to be applied judiciously. The best method is to keep tapping away at the problems, while mastering their detail and contriving to secure the utmost co-operation from the staff themselves.

And he concludes :

Where outside reformers, fired with too vast ambitions, have often shown their impotence, prospects of success are now opening up, through the careful work of people giving their whole time to it, in close collaboration with the operating staffs and progressively conquering their sympathies.

T. D. KINGDOM.

few municipal engineers have tried to answer them, but at last all these questions are discussed and answered in *The Municipal Engineer* by Mr. L. B. Escritt, not himself a Municipal Engineer, who has produced an impartial and

readable work on the subject. Mr. Escritt treats his subject with a knowledge that stems from intimate contact with Local Government and shews the shrewd observation of the technical expert of an allied profession.

His book should be of special value to the man in the street, answering as it does a real need, describing the duties of the municipal engineer, his many responsibilities and the vital part his work plays in the life of a locality. To the young entrant into the profession the book should serve as a guide and the sound advice given should be heeded.

The opening chapters deal with entry into the profession, alternative methods of training and qualification, and comments on the special qualities of those who would strive for success. His hints on design and his warning on over-elaboration is needful advice which should be constantly in the minds of all members of the profession. One recalls the qualities listed by a recent President of the Institution of Municipal Engineers, required of those wishing to achieve success in their profession:

"For their inspiration I would commend to them a study of the lives of such great men as Telford, Macadam, and others whose names are still on our lips, and whose influence is still felt long after their mortal flesh has crumbled to dust. In achieving their ambition they will require to possess at times, in addition to their experience and academic qualifications, the patience of Job, the tranquility of an archangel, the tact of a diplomat, the firmness of a dictator and the ability to meet emergencies and disaster with the spirit of Mark Tapley."

In chapters on "Personnel and Administration of the Engineer's Department," the duties of the Chief Engineer and his staff are discussed and the organisation of a typical municipal engineer's department described. Useful sugges-

tions are made on how best to establish the right relationships between the Chief and his staff and harmony among the staff as individuals with the object of drawing the best out of the department and stimulating the spirit of co-operation which ensures a happy office.

One might question one or two minor remarks of Mr. Escritt such as the suggestion that colouring of drawings should be discontinued, my experience being that members of a Committee more readily understand a coloured up drawing than one uncoloured; then again, care should be taken not to plot too many things on record maps as one usually finds that more than one assistant wants the same map at the same time.

Engineering works involving capital expenditure are dealt with and the various stages from the conception of the scheme to its construction and completion are described with admirable lucidity. The final chapters deal with the many activities for which a municipal engineer is responsible: highways, drainage, town planning and other essential services. It is in these chapters that Mr. Escritt puts forward views on matters which were in danger of being accepted without question and his criticisms are refreshing, succinctly to the point and stimulating. Unfortunately, we are denied Mr. Escritt's commentary on the new Town and Country Planning Act, 1947, which has now given the local authorities the powers they lacked in the past; the book was completed before the advent of the Act.

Mr. Escritt has done a real service to the community in writing so readably and authoritatively on this subject; dealing as it does with a Department which makes contact with a citizen's life at practically every point, it should have an appeal to all civic-conscious citizens.

J. CAMPBELL RIDDELL.

Russia Goes to School : a guide to Soviet education

By BEATRICE KING. Pp. 185. (Heinemann) 10s. 6d.

THIS book is perhaps of more value to teachers than to educational administrators, but it is interesting reading and Miss King's enthusiasm carries the reader along. There are chapters dealing with principles and purpose, the organisation of education, the various types of schools, colleges, etc., the teaching profession, and social problems.

Miss King admits that she has not been to the Soviet Union since the war but she is convinced of the achievement of the educational system because the Russians defeated the Germans. A hundred years ago English politicians praised the value of our system of voluntary education because there had been no revolution in England in 1848 as there had been in many European countries. I wonder if Miss King would agree with that argument.

The author's standard of values seems to be determined more by dialectical materialism than by any of the standards normally adopted in this country and for this reason her book needs to be read very critically. She writes with such admiration of the Soviet system that other systems seem to be of less significance in her eyes. Thus on p. 56 she states, "As far as I am aware there were no condemned buildings in use as schools up to 1941." No doubt she was thinking of the English "black list" of school premises, but such a list does indeed show that there is a minimum standard. In England in 1848 there were also no condemned school buildings but that does not mean that all the buildings were good.

I had hoped to find some evidence of the average attendance but no statistics are given. There is no compulsory attendance under the age of 7 (p. 60) and the employment of children seriously reduces school attendance above that age. In 1937 decrees were issued with heavy penalties of fines or 30 days compulsory labour for keeping children from school (p. 26). Speaking of the obliga-

tion to attend school she writes: "a Russian, old or young, who cannot see the value of a regulation ignores it." (p. 80). Yet on p. 98 she states, "In 1940 compulsory universal education for all up to 15 was achieved."

What of the standard of education which achieved such wonders in winning a war? "It was held to be more important to have the children in school even with unqualified staffs than to put off education until such time as it was possible to open the necessary colleges to train the teachers." (p. 98). Many of the teachers, about 45 per cent. in 1944, are trained solely by correspondence courses (p. 99). At the matriculation examination a candidate is allowed to use a duster for rubbing out mistakes (p. 42). The questions for the matriculation examination are set by the teachers in each school although the central authority determines the broad field of the questions (p. 41).

In some things certainly the Russians have shown a return to common sense which is commendable. Children no longer govern the schools and it is recognised that discipline and an ordered life are necessary (p. 32). "The common courtesies of life should be observed within the school . . . and between pupils and teachers." Co-education in secondary schools has now been given up (p. 16). In some cases parents are called upon to pay fees; "the danger of undervaluing services which are supplied free was not absent from the Soviet Union" (p. 16). School meals are paid for by parents except in needy cases (p. 59). Both reward and punishment are used (p. 36).

In administrative matters the Soviet Union seems to limit itself to a development plan covering accommodation, equipment and staffing, but the separate 16 republics seem to act independently within that plan. There is no Union inspectorate but there seems to be a common outline syllabus—"a fixed

time-table...never adhered to so rigidly that an exception cannot be made" (p. 25), and schemes for all types of schools and colleges.

In Russia education is a tool employed by the revolutionary leaders (p. 5). Intellectual education "postulates . . . the formation of a dialectical materialist outlook," so writes the Director of the

Academy of Pedagogical Science. The book must be read with this in mind and though there is much to be learned from it about Russian education there is little that can be usefully applied to this country or held up to us as an example as the author seems to think. After all our educational system won a war, too.

E. E. RICH.

Factory Law

By H. SAMUELS. (4th edition) (Stevens) 45s.

THE previous edition of Mr. Samuels' well-known legal text and commentary (then entitled *The Factories Act, 1937*) was published in 1943. Since that date there have been three important developments in the field of factory law. These changes make the appearance of a new edition of the book timely and of value to all concerned with industrial legislation.

The first and most important change has been the Factories Act of 1948, which is the first substantial piece of statute law amending the great consolidating Act of 1937. The 1948 Act introduces certain new features, perhaps the most important being the portions aimed at checking industrial developments in unsuitable premises—in what are sometimes called "slum factories." The new portions are well set out, indicating their effect in amending the corresponding sections of the 1937 Act. The present legal position is therefore presented clearly. There is little commentary on the 1948 Act, but this is to be expected, as the new provisions have not yet been tested in the Courts.

The second development is in the field of decided cases—the case of *Miller v. Boothman* (1944). The effect of this decision is to establish the principal that special regulations modify the general standard laid down in the Act, and may diminish as well as augment these requirements. This case and the subsequent case of *Franklin v. Metropolitan Plywood Co.* (1946) are discussed, appropriately, under paragraph 60 of the 1937 Act (i.e., the Section giving the Secretary of State power to make special regulations). It is, perhaps, a pity that

there is no reference to these decisions in the general sections (notably section 14 and section 47) whose application might be affected by them.

The third major development has been the coming into force of the Building (Safety, Health and Welfare) Regulations 1948. Paragraph 107 of the Factories Act, 1937 brings almost every type of building operation within the scope of the Act. The main general provisions of that Act, governing health, safety and welfare (i.e., most of Parts I-IV) do not, however, apply to these operations. The new regulations may therefore be described as "a miniature Factories Act" for the premises coming within the scope of section 107 of the Act—that is, almost the whole of the building industry. They, therefore, have a much wider range and importance than most of the special regulations. It should be noted that the page references in footnote 8 to section 107 are incorrect—a mistake presumably due to the Regulations being incorporated as a last-minute addition. The Regulations are set out in full, but without commentary, which is perhaps to be expected in view of their recent appearance.

In general, this new edition follows closely the appearance and lay-out of earlier editions. Legal commentaries of this type have to choose between the disadvantages of small print and thin paper on the one hand, and of large size and weight on the other. This book adopts the latter alternative. The result is a volume which is too heavy to be carried about with ease, but which is clear to read and convenient for reference.

W. G. SYMONS.

Health and Welfare Services Handbook

By JOHN MOSS C.B.E. (Hadden, Best & Co., Ltd.) Pp. 400. 25s.

HAD the Webbs lived to see this book they would have taken it as a major sign that the ideas for which they had striven so hard had at last been accepted. Relieving Officers as such no longer exist and for the first time in any book of this kind the reader will find no reference to "poor law" in the index. The words health and welfare indicate the nature and content of the revolution. The various classes which used to constitute the bulk of the poor law, the old, the blind, the sick, children and mental defectives still have to be dealt with but the handbook shows clearly the more positive, specialised approach which characterises the modern welfare system.

The handbook, however, is not a general survey nor a history. It is a practitioner's workaday guide to the law covering the services he has to administer. It deals with not only the law governing purely Local Authority Services but also with national insurance and assistance. The author is an administrator of long experience and, in many cases, has helped to shape the law which he analyses. Though its price may take it beyond the pockets of most University students the handbook should prove a useful addition to the library of those training for social work of all kinds.

D.N.C.

Social Services in Australia (1900-10)

By T. KEWLEY (Senior Lecturer in Public Administration, University of Sydney) Pp. 69.

THIS is a reprint of a paper given before the Royal Australian Historical Society in June, 1947. A sub-title indicates that the author is mainly concerned with the development of Old Age and Invalid Pensions in New South Wales during this period. It is a readable, straightforward account of this development though a good deal of reading and research must have gone into the making of the booklet.

It has always been a source of wonder that Australia should develop a system of old age pensions so much earlier than almost every other English speaking country. One might have thought that a new country, still developing, with land to spare and plenty of work to be done

would have been late in introducing old age pensions, particularly at the age of 65. Was it that the old people had not the children or family on which to rely or was it a very different view of family responsibility? Whatever the reason, New South Wales introduced a non-contributory old age pension in 1900, subject to a means test it is true, but more generous in amount and in age of payment than the scheme passed by the British Parliament eight years later. Mr. Kewley's paper throws light on this and many other questions and is a very useful addition to the literature of the subject.

D.N.C.

Oxford Economic Papers. January 1949

(Oxford University Press) 21s. per annum.

WITH this issue Oxford Economic Papers launches into a regular periodical. The January 1949 issue is numbered Volume 1, Number 1, to mark the change, though actually there have been eight numbers issued at irregular intervals between 1938 and 1947. If subsequent issues can keep

up this standard there should be not the slightest risk of the journal failing to have a large number of subscribers even though there are already several journals in the field devoted to economics. For the seven papers in this issue, 144 pages in all, are all of high quality. It is

significant of the change that has occurred in the attitude of the academic economist (or is this confined to Oxford?), that the articles all have some bearing on current problems. Sir Hubert Henderson and Mr. MacDougall are concerned with important aspects of foreign trade policy while Mr. T. Wilson draws on his war-time experience to make a critical analysis of the often too easily accepted assumption that an economy can be planned in terms of quantitative programmes. Probably Mr. Wilson's article will be the one of most direct interest to the administrator partly but by no means wholly because it talks a language which he understands. One feels after reading it that Sir Oliver Franks in his

lectures on Central Planning and Control in War and Peace greatly oversimplified the problems inherent in quantitative planning. Mr. Andrews and Mr. Ian Little contribute path-breaking articles. Mr. Andrews puts forward the outlines of a theory of the individual business which will shortly appear more fully in book form. This analysis depends on some restatement of the theory bearing on different cost situations. Mr. Ian Little, a newcomer of great promise, is concerned with a fresh analysis of the theory of consumer behaviour during the course of which he simplifies existing ideas on the subject.

D.N.C.

"Social Work in the New Health Service."

Today and Tomorrow Publications, 86, Rochester Row, S.W.1. 9d.

THIS pamphlet has been prepared by authors who believe in the unity of all professional social work in whatever form it appears. They show how social work in the new National Health Service (and it takes several forms) is an application of a wide professional function, so far little understood. It is not—and never has been—a job which the doctor would do if only he had time. It requires a training, not simply shorter than a doctor's, but one which no doctor ever yet received. As this pamphlet bluntly says, social workers are not medical auxiliaries.

But a positive, rather than a negative, definition of social work for the use of the lay public is extremely difficult to

provide. Exact terms would have to be, in part at least, psychological. The present authors offer explanations which will be useful to public administrators and members of local authorities, most of whom still get no further than realising that it is "the thing" nowadays to employ psychiatric social workers and almoners in hospitals or someone "to look after the welfare" of unmarried mothers.

This pamphlet also proposes drastic improvements in social work training. Some of these may have been heard before, but judging by their practice, every university remains obdurately deaf.

B.E.P.

Forms of Local Government

S. A. MACCORKLE & W. D. WEBB (University of Texas) \$1.00

HERE is a little book, published by the Bureau of Municipal Research of the University of Texas, that every student of local government should find useful. It surveys the city and county governments of Texas, and when we realise that in this single, by no means densely populated state there are over 2,600 "cities" and as many as 254 counties the size of the problem is immediately apparent, particularly if we bring the

whole of the United States into the picture.

The brochure describes and charts the four main types of city government, viz., weak mayor-council, strong mayor-council, commission, and council-manager, and discusses their merits and demerits, but wisely refrains from coming down in favour of one particular plan. Three points stand out:

(i) the prevalence, in accordance with American democratic theory and practice, of the directly elected executive,

(ii) the absence of the committee system, and

(iii) the increasing acceptance of the "business manager" plan as a way of obtaining both expert leadership and co-ordination in local government.

In Texas, county government has its own peculiarities. There are here, also, a number of elected executives and the system is rather incoherent. Direction appears to rest in the hands of an elected Commissioners' Court under an elected judge. Adjudication and administration are intermingled, reminding one of our system in the counties before modern government forms received their statu-

tory sanction. Reform of the present county government in Texas is advocated and the alternatives of the county manager, limited executive and elective executive plans are discussed.

The following quotation admirably suggests the attitude of the authors:—

"No form of government will of itself produce a civic millenium. Intelligent citizen interest, participation and supervision are just as important to the success of one plan as another. These factors in combination with a form of government which has proven itself in a variety of communities comprise the surest formula for successful democratic government."

It will be disappointing if this little book is not frequently consulted in the Institute's Library.

E.N.G.

Our House

By ALFRED C. BOSSOM, M.P. (People's Universities) 7s. 6d.

PARLIAMENT is receiving a good deal of publicity today, but that is all to the good after the way many of our intellectuals before the war vied with one another in heaping contumely upon it. Publishers are not likely to exceed the demand on such an important topic. Certainly this new book by Mr. Bossom is readable and illumined on every page with flashes upon what actually happens in "Our House."

One would not in such a short book about such a large subject expect to discover much about public administration. On some topics of interest to the administrator, e.g. Private Bill legislation and Provisional Orders, our author is so perfunctory as to be misleading. The brief reference on pages 139 to 141

to Central and Local Government is in the same category and could well be spared. Mr. Bossom's project to reduce delegated legislation by giving the House more time to include more detail in the parent statute is certainly not calculated to increase administrative efficiency.

However, if this "Introduction to Parliamentary Procedure" does not quite—as Lord Woolton claims in his foreword—make "available for the first time a short and precise account of the history and functions of Parliament," it is, nevertheless, a welcome addition to our expanding shelf of books on the Parliamentary system.

E.N.G.

The Nuffield Provincial Hospital Trust—Report on the Purposes and Activities of the Trust—1939-1948. (O.U.P.)

THE changes brought about by the National Health Service Act remove the need for the Trust to organise and finance regional co-ordination between various elements of the hospital service on a voluntary basis. Responsibility

for this work now rests with the Government. In view of this the Trust proposes to reorientate its policy and activities by undertaking:—(1) the fullest scientific study of the hospital and ancillary medical services; (2) the conduct of

PUBLIC ADMINISTRATION

practical experiments when they appear necessary as a means of finding the true facts or of testing promising ideas ; and (3) the demonstration of new methods believed to be an improvement on the old, as being often the quickest way to gain their acceptance.

Its present activities include an inquiry into "The proper task of a nurse" in an attempt to solve the present difficult and stubborn problems raised

by nursing recruitment and training. The valuable results achieved by the Trust in laying the foundations upon which the new hospital service could be built, augurs well for any new work in which it is engaged or may yet undertake. The new policy will necessitate certain alterations in the administrative and advisory machinery of the Trust.

A.W.P.

Public Administration Organisations 1948

(Public Administration Clearing House) Chicago.

THIS is the sixth edition of the directory of voluntary unofficial organisations working in the United States and Canada in the general field of public administration or in fields that impinge upon and affect public administration. Altogether 565 national, 1734 State and Regional and 82 Canadian organisations are listed,

with their activities, size of membership, publications, address and name of secretary, etc. The fact that it is prepared and published by Public Administration Clearing House is a guarantee of its accuracy and comprehensiveness.

Colonial Administration

CORONA : the journal of His Majesty's Colonial Service. Vol. 1, No. 1. February 1949. Pp. 32. 1s. Annual subscription 14s.

MR. CREECH JONES, in a forword to this new monthly publication, expresses the hope that this journal will be a medium by which individual officers of the Service will, by articles and correspondence, give their knowledge and experience to a common pool so that all may benefit from this experience and be able thereby to avoid the pitfalls which confront all engaged in the Colonial Service. The special articles include "Disorders in Malaya," "Colonial Economic Development : its purposes and some of its problems" and "Inflation in Borneo." There is also an appreciation (with a

portrait) of Mr. Grantley Adams of Barbados, the first of the Colonial people to be a member of the Britain Delegation to the General Assembly of U.N. Other contributions are "For Your Leave" (a diary of coming events in sport, theatre, music, etc.), and some matters in lighter vein. The editor is Mr. Kenneth Bradley. As it is proposed to accept advertisements of some of the severe necessities of life "ranging from flats to uniforms" it will readily be seen that "Corona" will appeal to every side of life in the Colonial Service.

Journal of African Administration

Vol. 1. No.1. January, 1949. Pp. 48. 1s. 6d. Annual subscription 6s. 6d.

THIS new quarterly, issued by the Colonial Office, is likely to be of the greatest service to all interested in the development of administration in Africa. The articles include one by Mr. Creech Jones, on "The Place of African Local Administration in Colonial Policy"; on

"The Future of Native Courts," by A. J. Loveridge; and the African Studies Branch submit a note on "Local Government Reorganisation in the Eastern Provinces of Nigeria and Kenya." Other contributions are by R. E. Robinson on "The Relationship of Major and

REVIEWS

Minor Local Government Authorities": by G. C. R. Clay on "African Urban Advisory Councils in the Northern Rhodesia Copperbelt; and by Arthur Phillips on "The African Marriage Survey." There is also a bibliographical review of recent African and other official reports and legislation. This tabulation of the contents of the journal, which has now absorbed the "Digest of African

Local Administration" is the best recommendation of the potential value of this new publication. It is a journal which no one who is seriously concerned with the development of Africa or who is doing research work on the subject can afford to miss. The African Studies Branch of the Colonial Office is to be congratulated on producing this journal.

Public Administration Libraries

A manual of practice. Pp. 90. 1948 edition. \$2.50. Public Administration Service, Chicago.

THE text of this edition is a reprint of the 1941 manual, except that chapter 2 on materials and their acquisition has been thoroughly revised and considerably augmented to meet the very great increase in the literature of public administration. Appendix A contains useful suggestions intended to aid the librarian without special library training. Section 3—"Classification and Cataloguing" will be of great service to all librarians having to organise any large collection of material on a special

subject, and it summarises the various operations to be performed on the different categories of material. The physical care of the collection is covered in Section IV, and such matters as furniture and equipment, supplies, binding and other routine operations are in a series of really practical hints. Librarians of any library will find this volume a useful addition to the technical literature of librarianship, and students will be well repayed for reading it.

Selected List of Official Publications

having particular reference to Public Administration. All these are available in the Library of the Institute.

Board of Trade.

Distribution of industry. Cmd. 7540. 1948. 1s.

Development areas. Emergence and operation of post-war policy, and future research. Line maps, tables.

British Transport Commission Confirmation Act, 1948. Pp. 16. 9d.

Central Office of Information.

Annual report for the year 1947-48. Cmd. 7367. Pp. 55. Tabs. 1948. 1s. 3d.

Colonial Office.

Britain and the Colonies. Pp. 40. 1948. 3d.

A useful catalogue of lecture services, films, posters, maps, books, etc., available to schools and the public.

Colonial Office.

Colonial Office List, 1948, comprising historical and statistical information respecting the Colonial Empire, lists of officers serving in the Colonies, etc., and other information. Pp. 577. 15s.

This valuable publication has now reverted to almost pre-war completeness, including a very useful bibliography of government publications on Colonial affairs. The maps formerly included are to be issued as a separate supplement.

PUBLIC ADMINISTRATION

Colonial Office.

Report of the British Guiana and British Honduras Settlement Commission. Cmd. 7533. Pp. viii, 359, 10 maps, 40 tabs. 1948. 7s. 6d.

Describes the present economic and social conditions of each Colony, and makes proposals for the future development of each under development corporations. The maps cover minerals, topography, geology, rainfall, vegetation, and land ownership.

Committee on the Law of Defamation (Porter Committee). Report. Cmd. 7336. Pp. 52. 1s.

Department of Health for Scotland. Town and Country Planning (General Development) (Scotland) Order 1948: explanatory memorandum. Pp. 15. 4d.

House of Commons.

Standing orders of the House of Commons . . . with table of fees and index, 1948. H.C. 221. Pp. 322. 5s.

Ministry of Civil Aviation.

Civil Aviation report, 1946 and 1947. Pp. 84. 8 illusts., plan.

Contains a diary of civil aviation from 1944 to 1947, a plan of London Airport, and functions and organisation of the service.

Ministry of Education.

University awards: the report of the Working Party on University awards appointed in April, 1948. Pp. 26. 9d.

Considers that a considerable increase of awards is necessary, and makes proposals which allow for such an increase, capable of being extended to ensure that no qualified student shall be prevented by lack of means from entering a university.

Ministry of Education, Pamphlet No. 12. *Unesco* and a world society. Pp. 46. 1948. 1s.

Ministry of Fuel and Power.

Statistical digest, 1946 and 1947. Cmd. 7548. Pp. 170. 123 tabs. 1948. 3s.

Continued from Cmd. 6920, published in 1946.

Ministry of Labour and National Service.

Careers for men and women series: No. 30—Local Government, police, and prison services, revised July, 1948. Pp. 40. 4d.

Ministry of Labour and National Service.

Report for the year 1947. Cmd. 7339. Pp. viii, 169. 3s.

Apart from the review of the operations of the Ministry, the opening chapter on the functions and organisation of the Ministry and its ramifications will be of interest to all students of public administration.

Ministry of Pensions, 23rd report, for the period 1st April 1939 to 31st March 1948. H.C.10. Pp. 45. 1s.

Details are given of the chief developments during the period, covering the expansion of the Ministry the improvements in war pensions, and the growth of the medical and welfare services.

Prime Minister's Office.

Wales and Monmouthshire: report of Government action for the year ended 30th June 1948. Cmd. 7532. Pp. 62. 9 tabs. 1s.

Third of the series of annual reports on the reconstruction programme in Wales. Despite the prior needs of the export industries substantial progress has been made in home projects.

OFFICIAL PUBLICATIONS

Singapore.

Report on Singapore for the year 1947, by P. A. B. McKerron. Pp. 137. Illus., charts, maps, bibliog. 7s. 6d.

Part I—General review of the year. Part II—Description of economic, social, legal and financial matters. Part III—Geography, administration, history, with a bibliography.

The 23 illustrations give an excellent idea of the inhabitants and their social habits, while the street plan of Singapore will be of value to all interested in the area.

Scottish Education Department.

Education in Scotland in 1947. Cmd. 7519. Pp. 63. 1s. 3d.

This is the first full report published since 1938.

Select Committee on Statutory Instruments, etc. Reports on the proceedings of the Committee and minutes of evidence, session 1947-48. H.C. 201. Pp. lxiv, 3. 1s. 6d.

The Committee considers every Statutory Rule and Order and determines whether any such require the special attention of the House.

Treasury.

National debt return, for each of the years 1938-39 to 1947-48 . . . June 1948. Cmd. 7477. 6d.

War Office.

Civilian Staff Regulations, 1939 (reprinted 1948). Pp. 278. 2s.

Effective for all purposes of the Ministry of Supply.

Colonial Office. Colonial annual reports for the year stated :—

Barbados, 1947. Pp. 63. 4 illus., bibliography, map. 1948. 2s.

Brunei, 1946. Pp. 92. 1948. 4s. 6d.

Appendix XII is a chronological list, of the Mohammedan sovereigns of Brunei and their antecedents in brief.

Brunei, 1947. Pp. 56. 7 illus., map. 1948. 4s. 6d.

Cayman Islands, 1947. Pp. 31. 7 illus., bibliog. 1948. 1s. 3d.

Gibraltar, 1947. Pp. 48. 7 illus., bibliography, map. 1948. 2s.

Hong Kong, 1947. Pp. 154. 25 illus., map, bibliog. 1948. 12s. 6d.

The excellent illus., mainly from photographs, of industries, irrigation, the harbour, etc., add very much to the value of the report.

North Borneo, 1947. Pp. 58. 8 illus., map, bibliog. 1948. 2s.

Contains appendix—Council paper, No. 1 of 1946—which is a report on general conditions in the Colony on its liberation and of the work done since in connection with its rehabilitation.

Northern Rhodesia, 1947. Pp. 50. 8 illus., bibliog., map. 1948. 2s.

Nyasaland, 1947. Pp. 67. 8 illus., map, bibliog. 1948. 2s. 6d.

Seychelles, 1947. Pp. 32. 2 illus., map, bibliog. 1948. 2s.

Sierra Leone, 1947. Pp. 71. 8 illus., map, bibliog. 1948. 2s. 6d.

Contains appendix on the District Councils, 1947.

Tonga, 1947. Pp. 24. 4 illus., bibliog., map. 1948. 1s. 3d.

Turks and Caicos Islands, 1947. Pp. 25. 6 illus., map, bibliog. 1948. 1s. 3d.

Zanzibar, 1947. Pp. 50. 6 illus., 2 maps, bibliog. 1948. 1s. 6d.

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The Burden on the American President

The many Reports of the Hoover Commission on the Organisation of the Executive Branch of Government will be read with interest and profit by students of public administration. Though most of the recommendations are relevant only to American conditions there are some which have a much wider application, for example, those in respect of the reform of the Budget.

It is always dangerous to comment upon the system of government of another country, for impertinence may go hand in hand with ignorance. Nevertheless we are prepared at least to doubt whether the problems of organisation confronting American Government would be solved even if every recommendation of the Hoover Commission were fully implemented. We will avoid the well known problems thrown up by the constitutional and political relations of the Executive and the Legislature. Instead we will concentrate on the impossible burden thrown upon the President by the existing Constitution.

The Hoover Commission, like the President's Committee on Administrative Management of 1936-37, aim at strengthening the staff aids available to the President. The Office of the President is to be enlarged to include an Office of Personnel whose Director is also to be Chairman of the Civil Service Commission. There is to be a new Staff Secretary "to keep the President currently informed of the work which has been undertaken by various parts of the President's Office, by the Cabinet committees, or by interdepartmental committees or special advisory committees. . . and of any difficulties which have arisen because of the overlapping of assignments or conflicts of policy." Unable to escape from the constitutional position which makes the President responsible for the executive acts of government and reduces his cabinet colleagues to the level of advisers the Commission are driven to find methods of helping him to perform a task far beyond the powers of any one man. But in the end if Government is to be responsible the decisions

cannot be avoided by the President. Office staff may reduce the amount of detail but a large range of matters must still require the President's consideration. The only effective way the total burden can be reduced is by placing part of it on the shoulders of others who are both politically powerful and politically responsible.

In Great Britain the Prime Minister has a position of great power and responsibility but the total burden of Government is distributed between some twenty or more Ministers. That important Whitehall test—which Minister is to answer questions on the matter in the House of Commons—is seldom answered with the name of the Prime Minister. The responsibility of a particular Minister for the matters within the jurisdiction of his department is quite clear just as the collective responsibility of the Cabinet on general issues of policy is quite clear. Nor are these Ministers people placed there merely by the personal choice of the Prime Minister. Their political status in the Party and in the House of Commons is not dependent on their holding office—usually they are Ministers because their status is such in the Party. They can take public responsibility because they can be made publicly accountable—they are not appointed super officials but elected representatives.

Nevertheless the growth in the functions of British Government has continued to increase the burden on the Prime Minister and in recent years efforts have been made to meet this problem. But the answer has not been found by increasing the staff in the Prime Minister's Office. This staff still remains very small. As might be expected the answer is being sought in the gradual recognition of the fact that certain Ministers are virtually Deputy Prime Ministers. At the moment, for example, the Lord President, the Foreign Secretary, the Chancellor of the Exchequer and, to a much less extent, the Minister for Defence constitute a kind of second tier of Ministers between the

Prime Minister and the normal Departmental Ministers. They have a responsibility to the Prime Minister for interdepartmental questions falling within their wide field and so can relieve the Prime Minister of a great many problems which would otherwise flow over his desk. Here again however, the arrangement is only feasible within the

British system in which the Ministers placed in such a special position have a corresponding strength in the Party and the House of Commons. The solution is hardly available to the President of the United States so long as he remains so different in status from the other members of the Executive Branch.

Haldane Essay Competition, 1948. Report of the Adjudicators.

Sixty essays were submitted this year compared with 154 in the previous competition. The quality of the entries varied considerably, and the best ten reached a high standard.

In general, what Sir Percival Robinson and Mr. J. Lythgoe said in their report on the last competition is again true this time, and we cannot do better than stress the comments which they made :—

(a) "Too many of the entries were of a purely descriptive nature. While it is most desirable that competitors should write on a subject of which they have close practical knowledge and experience, it is useless, for the purpose of this competition, merely to describe existing practices. Many essays contained a great deal of useful and interesting information but gave the impression that the material was undigested.

(b) Too much emphasis was placed in many cases on the inclusion of historical data for its own sake and not for the sake of the illustration of the development of administrative principle.

(c) In many cases, the subjects had been chosen without due regard to the terms of the competition, which stress that emphasis should be placed on administrative aspects of subjects, and that special credit would be given for constructive suggestions as to the manner in which current problems may be solved or improvements made in existing practice. What is required

is the exercise of a sustained critical faculty in order that the principles of current practice, with their advantages and faults, and the lessons which they point to public administrators, may be clearly brought out. The ideal essay would thus incorporate a description of an administrative problem (e.g. the control of building work); of the methods adopted for handling it, with the reasons for the adoption of these particular methods, and a review of these methods in the light of practical experience and otherwise.

(d) Sufficient care was not given in a great many cases to style, and style and manner of treatment are important. Over-tabulated script should be avoided. In many cases there was a tendency to resort over-much to general statements and grandiloquent phraseology which amounted to little more than mere platitudes".

We recommend that the Medal be awarded to Urbanus for his essay on "Organisation and Methods in Local Government". We must not be taken, however, as agreeing with all the details of the administrative structure proposed in the essay for O. and M. work. For second place we select the Essay by Verb Sap on "Verbatim Reporting in the Public Services". For third place we select the Essay by Je Suis Prest on "The Fashionable Budget".

L. H. OLIVER.
K. C. WHEARE.

Mr. L. H. Oliver, C.B.E., J.P., was formerly Clerk of the London County Council. Professor K. C. Wheare is Gladstone Professor of Government and Public Administration, University of Oxford, a Fellow of All Souls College, Oxford, and a Fellow of Nuffield College, Oxford.

Urbanus is Mr. Horace Keast, Establishment Officer, Cornwall County Council, and he was presented with the Medal and Prize at the Institute's Summer Conference at Jesus College, Oxford, by Mr. Ernest Long, Chairman of the Council of the Institute. Verb Sap is Mr. William Sugden, and Je Suis Prest is Mr. Roy Fraser.

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Efficiency in the Public Services *

By SIR FRANK TRIBE, K.C.B., K.B.E.

INTRODUCTION

1. I should like to make it clear in the first place that, although I have held the position of Comptroller and Auditor General for some two and a half years, it is not in that capacity that I am addressing you this afternoon. If I have any claim to speak on the subject of efficiency in the public services as a whole it must be due to the fact that it has been my fortune or my fate—however one may regard it—to have served in eight different Departments of the Civil Service in the last 12 years and this has inevitably given me a wider experience than falls to the lot of most Civil Servants. If, however, I had been asked to suggest the name of the most suitable person in the Service to address you on this subject, I should certainly have named your own Chairman, who is the Head of the Organisation and Methods Branch of the Treasury. But I understand that in his capacity of Chairman of the Institute he vetoed any such suggestion.

EFFICIENCY AUDIT

2. Perhaps I should explain at the outset why I do not regard the Comptroller and Auditor General as an expert on the question of efficiency. There is in my view much muddled thinking at the present time on the question of the so-called "efficiency audit," and it has even been suggested that I should audit the accounts of the Nationalised Industries so that I could report to Parliament on their efficiency. An auditor's duties are many and responsible, but they are primarily confined to an examination of the accounts of an undertaking. He has to satisfy himself that expenditure has been properly incurred and is properly vouched, that all receipts have been properly brought to account and that the accounts of the concern give a proper picture of its financial position. He must satisfy himself that systems of financial control are adequate and may appropriately on occasion draw attention

to wasteful expenditure or uneconomical methods. But he cannot go further and pronounce judgment on the general efficiency of the undertaking. While cost accounting, as I shall hope to show later, has its proper place in suggesting lines of inquiry, I do not believe that any examination based on figures alone and ignoring such matters as personnel management, installation of machinery and general office or factory organisation, can lead to a proper judgment on the efficiency of a concern and still less to the formal certificate required of an auditor.

3. I have discussed this with a number of Professional Accountants and believe they agree with me. In the case of a commercial concern, the profit and loss account and balance sheet are of course of vital concern to the shareholders and may be taken as a rough and ready indication of efficiency. But even in business highly efficient firms may become bankrupt and inefficient firms may make big profits if conditions are favourable. In the case of a Government Department, even when it carries on trading activities, the question of profit and loss has still smaller relationship to efficiency. We cannot declare a Consulate to be inefficient because its fees, fines and other receipts do not cover its overhead costs, nor is the Ministry of Food necessarily inefficient because it loses some £400,000,000 a year on its trading services. On the other hand, a Government Department, which deliberately set out to make a profit every year on its trading activities, would probably meet with more censure than praise in Parliament.

4. I hope I have said enough to convince you that the purely financial approach will not carry us very far in our consideration of the problem we are to examine this afternoon, which, as I was informed by your late Director, is to be related primarily to criteria of efficiency in the public non-trading services. This I interpret as meaning,

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not the efficiency of individual public servants nor the efficiency of the equipment and accommodation with which they are provided, but the general efficiency of management, which of course to some extent embraces the other two.

MEANING OF "EFFICIENCY"

5. Let us pause for a moment to consider what we mean by "efficiency." We all know roughly what the word implies, but it is not too easy to define. I believe economists might describe it as "the ratio of the degree of attainment of objectives to the amount of resources used," but the word "ratio," to my mind, envisages an exact measurement, which is frequently impracticable and in any case does not tally with our ordinary conception of the word's meaning. I am not sure that the Oxford English Dictionary is much more helpful. It defines it as "efficient power; effectiveness; efficacy," and defines "efficacy" as "capacity to produce effects; power to effect the object intended." Whatever definition may be accepted, it is clear, I think, that efficiency is concerned with the relation between means and end. It can be increased by increasing the degree of attainment or by reducing the amount of resources used for a given degree of attainment. The latter method—i.e., making do with fewer resources—is usually known as "economy." Efficiency and economy are therefore closely related.

6. Whatever definition one may adopt, it is obvious that efficiency is a very pragmatic virtue. It cannot be judged in the abstract. There can be no standard of efficiency in itself, unrelated to the objects it may achieve. It is not in the same class as goodness or honesty or any other abstract virtue of which Plato would have said there was an "idea" in the heavens. No man—not even your Chairman—can walk into an office and see that it is efficient, in the way that, according to the book of Genesis, God looked on the world on the sixth day and saw that it was very good. It is possible that an experienced H.M.I. may be able to form a rough impression of a school's general efficiency when he puts his nose inside the

door, in somewhat the same way that some experienced auditors by an additional sense not given to most of us can "smell" a faulty account before they have examined it, or a trained Customs Officer can often spot a would-be smuggler by looking no further than his face. But by and large efficiency can only be evaluated by results; "by their works ye shall know them" and that makes it all the more important to consider the criteria by which the results can be measured.

7. It is perhaps typical of modern life that we are all groping after criteria. Why is this? Is it that we are no longer content with inward and spiritual grace, but need and demand outward and visible signs? Is it that in a world which is becoming more and more competitive we are driven to giving more attention to these things? In the field of public service at least the public are becoming more and more critical and the public servant is driven in his own defence—and perhaps to provide himself also with some inner satisfaction—to seek means of proving his efficiency by resort to objective criteria. This may well be a good thing within limits. It is a great mistake for Civil Servants to bask in the pleasing atmosphere of self-complacency and mutual admiration. We must examine ourselves and see if we are really giving the State full value for what we receive. But we must also be on our guard against placing too much reliance on these outward criteria of our efficiency. They must be our servants and not our masters and we must from time to time consider how far they serve a useful purpose.

8. Before considering further the question of criteria of efficiency on which I was asked to address you this afternoon, I ought to point out that comparison of criteria is not the only way of increasing efficiency. Much can be done by an intensive study, often termed "time and motion study" of actual processes, followed by experimentation and research. For factory production this method is often very efficacious and there are Institutes with trained staff who devote much of their time to this type of study. I am not sure that we experiment enough in our Public

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Service; my impression is that the Americans do much more in this way than we do. We are so impressed by the need for securing equality of treatment for all and we recognise that a Minister might not be too pleased if he had to explain in Parliament that his Department had been experimenting on the "hit or miss" or "trial and error" system and that unfortunately the Member's constituent had been the victim of one of the errors! In spite of this danger, however, we should, I suggest, be more ready to experiment at times in the hope of increasing our efficiency. But even without new experiments there is much that can be learnt by the study of comparative criteria based on existing practice.

CRITERIA OF EFFICIENCY

9. There is an almost infinite variety in the criteria that may be chosen, and the greatest skill is required to determine which criteria are the best for valuing the efficiency of any particular type of activity. A thorough knowledge of the work of the Department and of the basic purpose of that work is needed. The speed in replying to letters may be a valuable guide to the efficiency of, say, the Central Record Office of the Ministry of National Insurance at Newcastle, but it would rank pretty low in the criteria of efficiency of, say, the Home Office or the Treasury Solicitor's Department.

10. As a general rule it seems to me that the difficulty of finding suitable criteria of efficiency varies directly with the amount of pure policy work of the office. To take an extreme example, what criteria can be suggested for the Foreign Office? One can test, of course, the clerical and manipulative duties of the lower staff, but what test can there be of the extent to which the Office is achieving its main purpose? In the first place one must decide what that purpose is. Is it the prevention of war or the creation of better relations with foreign countries or the understanding of the British way of life throughout the world? I doubt if any objective criteria could be devised which would in any way reflect the efficiency

of the Foreign Office in any of these purposes.

11. Let us therefore take some less extreme examples. Could the real efficiency or rather inefficiency of the Ministry of Labour and National Service be determined by the number of persons involved in industrial disputes or by the number of persons unemployed or by the shortage of recruits to the mining industry? Does an outbreak of infantile paralysis or an influenza epidemic prove the inefficiency of the Ministry of Health? Does the number of burglaries or murders vary according to the efficiency of the Police Service? There may be some casual relationship in these examples, and figures taken out over a number of years might give useful pointers, but I doubt if it would be fair to judge the general efficiency of these Services on any such figures. As a general proposition I would advance the view that criteria of efficiency are of far more value when applied to methods of executing policy than to the processes involved in the formulation of policy.

NEED FOR COMPARISONS

12. As efficiency is itself not an absolute quality but is only to be judged by results achieved, so criteria of efficiency by themselves are of little or no value. They only attain value by comparison. It is, for instance, not of much value with a view to assessing efficiency to know that a typist types x words in an hour; that knowledge only obtains value if one can compare it with the number of words other typists type, and the wider the comparison the better—e.g., the achievement of typists in other offices, in other countries or in other decades. But even then the knowledge is only useful as a pointer for further investigation and inquiry. For a true comparison of efficiency one would need to know whether the other typists or the "control group" worked under similar conditions, used similar machines, had the same average length of word in their copy and no doubt other factors which must affect any comparison.

13. As this is a vital point I might give another example. Let us take the vexed question of the length of time taken to

reply to letters addressed to Ministers of different Departments. You may have an analysis made and find that in your Department the average time is ten days. That may strike you as excessively long or commendably short, but by itself the information gives no real guide to the efficiency of your Department. But if you find that two years ago in your own Department it was 12 days and that in other comparable Departments it averages 13 days, then you have some ground for satisfaction. But before you could be really satisfied you would have to probe further and find out whether the type of question now addressed to your Minister is not simpler and more straightforward than it was two years ago, and whether the other Departments do not have to send a higher proportion of their letters to regional offices for inquiry than is necessary in your own Department, before a final reply can be given. And even when you had done all this you would generally, I think, not rest content with these comparisons but would want to satisfy yourself by detailed examination of the processes in the office at every stage that there could not be some further acceleration without interference with other sides of the Department's work.

14. I have spent some time in pointing out the pitfalls awaiting any student of public administration who may be tempted to place too much reliance on criteria of efficiency. But they undoubtedly have great value—particularly as pointers for subjects of further examination—and we might now consider different types of criteria and the associated and perhaps more important question of the basis of comparison between them. For without comparisons criteria are of very little value. For this purpose comparisons can be classified into four categories:

1. inter-period;
2. inter-national;
3. inter-departmental;
4. inter-regional or inter-office.

There may of course be combinations of these, which double their value, but let us consider shortly each in turn by itself.

INTER-PERIOD COMPARISONS

15. By "inter-period" comparisons I mean comparisons within an office of criteria for different periods. I have put it first because it is the simplest and most common form of assessing the efficiency of any operation. It requires no comparison with other Departments or other offices and is easy to apply because the nature of the operation has probably not varied much during the period. A typical example might have been the number of man-hours involved in issuing, say, 1,000 passports under the old Foreign Office system. If the man-hours had fallen from x to $\frac{1}{2}x$ between 1930 and 1935 the Foreign Office might have derived some satisfaction. But it would not really be a conclusive proof of efficiency. In the first place one would need to know that the work was as carefully performed in 1935 as in 1930, but even if satisfied on that point the test would not prove that by some radical changes the man-hours could not without loss of efficiency have been reduced to $\frac{1}{2}x$ or even $\frac{1}{4}x$. In this particular example, as is generally known, a complete change of system has now been introduced as a result of an examination by O. and M. experts, and not only have the cost and man-power been reduced but a better service to the public has been provided. It is, however, only fair to add that one of the changes introduced has involved a relaxation in the Regulations, and it is possible that, so far as over-all efficiency is concerned, there is still as much room for improvement as there was before. Anyhow, this illustrates the danger of relying too much and with too great complacency on simple inter-period comparisons.

INTERNATIONAL COMPARISONS

16. My second category, namely international comparisons, is of comparatively little value, mainly because it goes to the other extreme in regard to similarity of material and conditions. If the rate of infant mortality is lower in England than in France it should not give particular satisfaction to our Ministry of Health, though perhaps the Home Office might claim some credit if the proportion of murderers brought to court were higher here than across the

channel. International comparisons are more useful in relation to trading services and I should expect the Post Office to get some useful information by comparing the cost or man-hours of various postal services here and in foreign countries. But any such comparisons between one country and another, though they may be useful in providing pointers for further inquiry, are of little real value as criteria of efficiency.

INTER-DEPARTMENTAL COMPARISONS

17. Let us turn then to the third category, namely inter-departmental comparisons. Here we have a much wider scope for useful inquiry coupled with the zest which can always be derived from legitimate rivalry between one Department and another. This category can itself be sub-divided into two, namely comparisons between identical services, mainly in the field of clerical and manipulative duties, and comparisons between allied forms of administration. In the first of these classes it is easy for anyone with a working knowledge of the Public Service to think of a large variety of common services which provide material for comparison. They are the bread and butter material for one side of the O. and M. organisation. A few that spring to the mind are :

1. various criteria of typing efficiency ;
2. staff time involved in paying salaries ;
3. rapidity of delivery by the Messenger Service ;
4. average length of time in filing correspondence ;
5. average length of time in replying to letters ;
6. volume of complaints, such as letters from Members of Parliament.

I believe that it takes twice as much man-power to pay, say, 500 weekly paid staff in one Department as it does in another. On the face of it there is no justification for such disparity. But even in such a clear case as this the criterion should be used rather to point the way to further investigation than as a final assessment of the respective efficiencies of the two Departments. It

may be that the apparently more wasteful Department has circumstances peculiar to itself which fully justify the disparity ; indeed sometimes a comparison of this sort may reveal merits in the apparently wasteful Department which can be usefully adopted by its rival.

18. The second class of case is much rarer because it is not often that one finds similar forms of administration practised by a number of different Departments. But where this does occur, a comparison may be very useful and may help to increase the efficiency of both. I will give two examples. First, there are several Departments which have to make weekly a large number of individually small payments. This problem faces the Ministry of National Insurance, the Ministry of Pensions, the Ministry of Labour and National Service and the National Assistance Board. They adopt different systems and different checks. Some pay through their own local offices, some through the Post Office. Some centralise and some decentralise authorisation of payment. It is obviously likely to be of mutual advantage and to increase efficiency all round if from time to time notes can be compared and statistical criteria taken out in regard to such questions as cost, man-power, speed of decision, or proportion of errors and frauds under each system.

19. The other form of administration that occurs to me as presenting similar problems for a number of Departments is consumer rationing. This affects particularly the Ministry of Food, the Board of Trade and the Ministry of Fuel and Power. Totally different systems have been adopted in dealing with food, clothes, furniture, solid fuel and petrol, but some useful lessons might be learnt by drawing up and comparing criteria of efficiency under the different systems in relation to various common factors such as :

1. extent to which the system guarantees or gives equality of treatment to all consumers ;
2. cost of administration ;
3. man-power employed per unit of distribution ;

4. general acceptance by the public, as indicated by volume of complaints received or number of appeals lodged ;
5. proportion of lost books.

INTER-REGIONAL AND INTER-OFFICE COMPARISONS

20. Let us pass now from inter-departmental comparisons to our fourth main category, namely, inter-regional or inter-office comparisons. By these I mean comparing criteria of efficiency between different regional or local offices of the same Department. It can be applied only to Departments which have a Regional organisation, though the Foreign Office could presumably adopt a similar system in relation to Embassies and Consulates abroad. It has the great advantage that comparisons are between standards of work which is either exactly the same or at least very similar in all the offices assessed, and for that reason it is likely to provide a better basis of assessment than an inter-departmental comparison. This type of criterion is in fact widely used in most Government Departments which have regional and local offices and provides in many the main basis of administrative control over numbers of staff. But even this system, though less liable to error than the others, must be used with care and discretion, and it would be unfair to condemn off-hand and without inquiry an office with a bad ratio of staff to output. It might be found, for instance, that the office with a ratio much worse than the average had particularly unsuitable premises or had some other special local difficulties. Conversely, the office with the best ratio is not necessarily the most efficient. Nevertheless these inter-regional comparisons are of the greatest assistance to many Departments, particularly when used as pointers for investigation rather than as final and conclusive indications of relative efficiency.

21. There is one special form of inter-office comparison, possible for Departments which have a large number of local offices. Here what I have called the criteria system can be combined with the experimental system to which I referred earlier. Under this arrangement a particular office is selected ;

different experiments are tried out in it and the results are compared with those of a normal office of the standard type. All sorts of experiments can be tried—provided they are not very likely to lead to trouble with the Department's clients. It is quite safe, for instance, to experiment with such things as lighting, equipment, rank of officers entrusted with particular duties or lay-out of office accommodation. It may even be possible to experiment with different methods of dealing with the public, provided inequalities of treatment do not result. Sometimes indeed the local public may be taken into the Department's confidence and asked to express their views on the merits or demerits of the various experiments as they affect the user. I cannot help thinking that some Departments might use more imagination along these lines and quite possibly discover improvements which could usefully be applied to the whole of their local offices and thus raise their general level of efficiency.

LOCAL GOVERNMENT COMPARISONS

22. I have been dealing in the main with national Government Services, but many of the principles are equally applicable to local government. In particular, what we have called inter-regional comparisons can readily be used as between local authorities of comparable size. I believe the cost of services is generally expressed in relation to the product of a penny rate, but this is apt to be misleading because of the existing wide divergence between the level of rateable values in different areas. A more suitable test would appear to be actual cost in relation to the number of inhabitants. The simplest test on this basis is to compare local authorities who have approximately the same number of inhabitants, say Sheffield, Leeds and Dublin or Blackpool, Southampton and Wolverhampton. Supposing the cost of cleaning the streets amounts to, say, £20,000 a year more in the first town than in either of the others ; then there is *prima facie* a point for examination by the rate-payers of that town. It may of course be found that their town has a much dirtier atmosphere than the others, or the inhabitants may demand

and be ready to pay for a higher degree of cleanliness. But sometimes useful lessons may be learned, and surely comparisons of this sort should tend to increase the all-round efficiency of local government. Now that most rate-borne expenditure automatically attracts exchequer assistance, this is the kind of co-ordinating function which we may hope to see the Ministry of Health develop.

DANGERS OF USING CRITERIA

23. A word of warning is called for at this stage. There is always the danger that enthusiasts for efficiency tests will use them not merely as pointers for further inquiry but as objective criteria on which to base decisions about grading, promotion, etc. If used in this way, they can become a positive menace and result in inefficiency and waste. Let me give two examples.

24. Some twenty years ago, when unemployment was the greatest problem facing the Ministry of Labour, there was a staff ratio index for each Employment Exchange and Local Office, relating the number of staff to the number of unemployed in the area. Other sides of the work were not subjected to any similar test, and the idea got around that a good ratio of staff to unemployed affected the Department's views as to the efficiency of the Manager and consequently his prospects of promotion. The result, so it was alleged, was that the Managers were much keener on keeping the unemployed on their books as long as possible than on finding them suitable employment.

25. My other example has a humorous side. After the 1914-18 War the War Office adopted a complete system of cost accounts. Each Command had its Command Accountant who prepared the accounts showing the full costs of the various units. In the case of hospitals the accounts showed the cost per occupied bed. Fate decreed that one Command Accountant fell ill and was admitted to one of the hospitals, where he was given every care and attention and soon recovered. But although he seemed to be quite well again and was anxious to return to work, the Hospital Authorities would not let him leave. He was

puzzled as to the reason for this and began to fear that there was something more radically wrong with him than he had been led to believe. So one day he disclosed his fears to an auditor friend who was visiting him in hospital. Imagine his surprise when he was told by his friend that his retention in hospital was his own fault. "If you are allowed to leave," he said, "the cost per bed occupied will rise, and the hospital will under your own costing scheme get a bad mark." I might add that this experiment in cost accounting was abandoned after five years as being too expensive.

26. I don't suppose the War Office will be able to check this particular story, but I have had it on good authority and at any rate it illustrates my point. Incidentally, I was interested to see that the *Accountant*, the official organ of the Institute of Chartered Accountants, not long ago pressed for the abolition under the National Health Service of the use of tests of hospital efficiency based on cost per occupied bed. It said that experience had proved conclusively the futility of this test for purposes of making comparisons between hospitals.

BASES FOR CRITERIA

27. Let us pass now from considering the way in which criteria of efficiency can be used or should not be used, and examine for a few minutes the way in which they can be compiled. This is where the real art comes in. The compilation of different bases of assessment is an amusing and fascinating job, and it is easy to let imagination get the better of judgement. The important thing is to determine the one, or possibly two, major objectives of the operation and relate the criterion to those objectives only. Too many tests are an encumbrance and a waste of time and money. Take as an example the yearly operation in Employment Exchanges and Local Food Offices of exchange of books. The test might be the number exchanged per hour, or the all-in cost of exchanging 1,000 books, or the number of mistakes made per 1,000 exchanges, or the neatness and legibility of the writing on the new book or the number of books wasted

through mistakes. These are all important factors, but should not all be applied at the same time. The officer who decides what tests to apply and what to reject must have regard to the object of the test. For different pieces of administration different types of test will be appropriate. If cost is the prime consideration, as it generally is in industry but not so universally in the Public Service, then cost will be the basis of the criterion and a system of costs accounts will be applied. But in these days man-power is often just as important, and it may sometimes be easier to apply a man-hour than a cost test. Fortunately, there is a close correlation between these two forms of test and it cannot often happen that comparisons on these bases conflict. It is not therefore generally necessary to use both at the same time. But in some operations of the Public Service it may sometimes happen that speed or workmanship outweighs either cost or man-power in importance, and in such cases they should form the basis of the test. In 1940, for instance, it was far more important to turn out fighter aircraft up to the highest standard of efficiency and with the maximum speed of production than to cut costs or stint in man-power. By 1943 the position had changed considerably, and man-power had become perhaps the major consideration. By 1946 cost had probably ousted both speed of production and economy in man-power from their top place.

28. Once again it becomes clear that efficiency is a relative term and that cost is only one of the factors by which it can be judged. We hear much more about cost accounting than about manpower accounting or speed accounting. But this is only natural because cost, which in most processes has a close correlation with manpower, is generally the simplest and most practical test to apply.

COST CONSCIOUSNESS

29. In any case I hope nothing I have said will give the impression that I underestimate the value of cost accounting in its widest sense. One of the gravest dangers in the Public Service is

that civil servants are not sufficiently "cost-conscious." The great majority of civil servants are not concerned with the raising of the money which they spend and therefore tend to ignore that vital side of the public economy. One can have nothing less than hearty contempt for the civil servant who boasts—as some I fear still do—that he—or she—has a mind above figures or cannot understand the simplest accounts. If I had my way I would get the Civil Service Commission to inscribe over the portals of 6 Burlington Gardens the words which Plato placed over the doors of his Academy—

ΜΗΔΕΙΣ ΑΓΕΩΜΕΤΡΗΤΟΣ ΕΙΣ ΙΤΩ

which, being roughly translated, means "Entry forbidden to anyone who cannot appreciate the importance of figures."

30. I am afraid that in many Departments of the Public Service there is still a feeling that questions of cost are matters for the Finance Branch and that it is rather beneath the dignity of the administrative officer to descend from the Olympian heights of policy framing to the mundane question of cutting out unnecessary expenditure. That is an attitude which must be eradicated root and branch before the Service can call itself really efficient. Every officer, both in the Civil and the Defence Services, should take an active interest in the cost of the particular service he administers, and should ask himself at frequent intervals whether that service is giving the State and his fellow tax-payers full value for what it costs. Thus, the Naval Officer commanding a destroyer should know both the capital cost of the ship under his command and the weekly running cost. I believe he will be a more, not a less, efficient officer if he bears these facts in mind and passes them on to his crew. The Officer in charge of, say, a Regional Office of the Ministry of National Insurance should know the annual administrative costs of his region, including staff, premises, postage and stationery, and should take frequent opportunity of telling all his local officers what is the cost of their particular office. Or, to take an example from Headquarters, the Chief Scientific Adviser of the Ministry of Works should

know exactly how much his Division costs, in salaries, materials, premises, etc., and should be prepared to justify each item of expenditure, not so much to the Treasury as to his own conscience and to his fellow passengers in the train or the bus, all of whom are contributing to the cost of his organisation.

31. This suggestion may strike some of you as being rather novel and even fantastic, but I wonder how many of my audience could tell me off-hand what is the cost of what they are doing. Would they not take a more intelligent interest in it if they knew? A great number of you are tax spenders but you are all tax payers, either directly or indirectly, and it would be a good thing for the efficiency of our public services if more taxpayers, instead of grouching vaguely about the burden of taxation, took a more intelligent interest in how their money is spent, or it may be, on occasions, mis-spent. If this is true of taxpayers generally, how much more so for those of us who are also tax-spenders?

32. I know that there are certain practical difficulties in my suggestion, arising largely from the Government system of accounts. Departments do not carry on their own votes a variety of services which are known as "Allied Services," the most important being premises, fuel and light, superannuation, free postal and telephone services and stationery. But we have now reverted to the pre-war system of giving the estimated value of these services for whole Departments in the published annual estimates. My suggestion would mean splitting up the more important of these bulk estimates into constituent Divisions or regions within each major Department. Intelligent guesses would often

be sufficient. Meticulous accuracy is not needed. A little more work might be needed in the Post Office, Ministry of Works and Stationery Office, but I believe the cost would be repaid manyfold by the added interest officers of all grades would take in the efficiency of their work.

PASSION FOR EFFICIENCY

33. We must get away from the pernicious idea that cost is a matter which concerns only the Treasury and the Finance Department. I believe, thank goodness, that we have largely eliminated the old tradition of taking pleasure in "diddling the Treasury," but it is not sufficient that administrators should be merely impartial and unconcerned. They should be filled with a passionate enthusiasm for economy and efficiency—for by common consent the two go hand in hand—and a determination that, at least so far as their own work is concerned, all waste, extravagance and other hindrance to efficiency shall be ruthlessly eliminated. If they hold positions of responsibility they should do their utmost to instil the same spirit in all their subordinates. This I believe to be the real key to increasing the efficiency of the Public Service. Criteria such as we have examined have their place and are useful so long as they are our slaves and not our masters. But in the last resort efficiency is not measurable by statistical slide-rules or nicely calculated formulae. It is the spirit in which a job is tackled that really counts. *Spiritus intus alit*—"it is the spirit within us that keeps us alive," is a Vergilian motto adopted by one of our great schools and it seems to me to provide the real clue to the efficiency of the Public Service.

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Some Contrasts between English and Scottish Local Government

By V. D. LIPMAN, D.Phil., M.A.

TO the student of comparative local government, the systems of local government in England (a term used here, merely for brevity, in place of England and Wales) and Scotland belong to a single type and are clearly distinguishable from the various types of local government to be found in countries overseas. This contrast can be seen in practically every aspect of local government. The structure of areas, combining both one-tier and two- or three-tier elements differs, for example, from the continental systems which have two features unfamiliar in Britain—a hierarchic structure subordinating even the largest towns to areas of a superior level, and the principle of the *commune* or *gemeinde*, whereby there is a common basic type of local authority for all units from small villages to the largest towns. The committee system, whereby the so-called legislative and executive elements of the local authority are carried out by the same persons, is a dominant characteristic of both English and Scottish systems, and clearly marks them off from other systems in which these two functions may be in different hands, one in those of the council and the other in those of the executive, whether a single person, such as the French *maire*, German *bürgermeister* or American "strong" mayor, or of a body of persons, such as the German *magistrat* or the collegiate executives of the Low Countries. In the way in which English and Scottish local authorities come into existence and obtain their powers, in their method of finance, and in their relationship to their respective central authorities they resemble one another so much as to be almost indistinguishable when contrasted with the outside world.

There are, however, divergences between them and, to those familiar with one system, the other presents the interesting picture of variations upon their own theme. They may reflect that these differences are not outlandish practices, quite irrelevant to their own system, but features, which—in many

cases—have been developed and worked within a system basically the same as their own. It is, of course, true that many of the peculiarities of each system are due to the historical and geographical circumstances of each country. Yet there must be a feeling that many of the differences represent equally practicable ways of doing the same thing. The object of this article is to draw attention, in brief outline, to some at least of these differences, not to the similarities, between the local government systems of the two countries. It has been attempted for want of any currently available comparison, and it keeps closely to the position as laid down in the statutes—a task facilitated by the passing of the Local Government (Scotland) Act, 1947, a consolidating measure even wider in its scope than the English Local Government Act, 1933.¹ The subjects selected for comparative treatment are the structure of areas and authorities with the distribution of functions, the internal constitution of local authorities, the statutory provisions regarding local authority officers and some aspects of the two rating systems.

STRUCTURE OF AREAS AND DISTRIBUTION OF FUNCTIONS

In English local government a clear distinction can be drawn between the areas of one-tier authorities and those where there is a two- or three-tier structure. Thus there are 83 county boroughs and 61 administrative counties (other than the County of London) comprising within them the areas of non-county boroughs, urban districts and rural districts, the last containing a third tier of rural parishes. In Scotland, complete one-tier government is found only in the four counties of cities—Edinburgh, Glasgow, Aberdeen and Dundee. Side by side with the counties of cities can be placed the 33 counties, within which are two classes of urban areas (20 large burghs and 172 small burghs) and one of rural districts (known in Scotland as "landward" areas). Within these last there is now no

third tier of parish councils. The position of the large burgh within the Scottish structure of authorities has no parallel in the English system, since while independent of the county for most purposes, it is included within it for some, and is represented on the county council; schematically it could be placed midway between an English county and non-county borough.

Light is shed on the differences between the English and Scottish systems by a comparison of the area and population of the urban and rural units in the two countries, and these are, of course, reflections of differences in the distribution and density of the population; comparisons of rateable value are not so significant because of the difference in the bases on which rateable value is assessed.²

The English county boroughs range in population from 1,063,000 (Birmingham) to 23,780 (Canterbury) with an average of 156,000; the four Scottish equivalents range from 1,106,072 (Glasgow) to 181,805 (Dundee), the counties of cities thus being on the average considerably more populous than the English county boroughs. The large burghs, however, which execute the functions of English county boroughs, are considerably smaller, ranging from 96,207 (Paisley) to 19,584 (Arbroath), with an average population of 42,000 compared with 156,000 for the English county boroughs. While thus the average English county borough has a population more than three and a half times that of a Scottish large burgh, the average English county's population bears a not dissimilar relationship—nearly five to one—to the population of the average Scottish county. The figures of population are for England—61 counties ranging from 2,186,000 (Middlesex) to 17,820 (Rutland) with an average of 595,000; in Scotland, the populations of the 33 counties, excluding counties of cities but including large burghs, range from 573,451 (Lanark) to 7,981 (Kinross), with an average of 94,000; excluding large burghs, Lanark has 325,816 inhabitants and the average population of a county is 71,000.

Leaving aside the counties of cities and the functions for which large burghs are not the authority (education and in some cases police), the county-county borough relationship of England is paralleled in Scotland, but it takes place at a lower level of population; whereas the population for county borough status in England was 50,000 under the Act of 1888, 75,000 under that of 1926, and this was in effect raised to 100,000 by the Local Government Boundary Commission Act of 1945, the large burghs under the Act of 1947 are those (apart from Arbroath) which had a population of over 20,000 at the 1921 census; as has been mentioned, the Scottish counties are of course, generally smaller in population than the English counties. It should be noted, however, that the Scottish county areas are generally larger in acreage than those in England, this being due to the lower density of population, especially in the Highlands. Thus, while the English "average county" has a population of 595,000 and 406,000 acres, its Scottish counterpart with a population of 94,000 has an acreage of about 605,000.

The large burghs, other than the counties of cities, are all included in the county for the provision of education; the county area, including all the burghs, (other than the counties of cities), had been the area for secondary and technical education before 1918 and from then to 1929 for the administration of all educational provision by *ad hoc* bodies. The Local Government (Scotland) Act 1929 also included within the county for police purposes all large burghs, except those then maintaining their own police forces, or large burghs having over 50,000 population. Since all large burghs are thus within the county for education and some for police, they are represented on the county councils, but their representatives cannot exercise a deliberative vote or submit a motion or, except with the leave of the meeting, take part in any discussion except in respect of a matter relating solely or, in the opinion of the person presiding, mainly to a function which the county council are entitled to exercise within the burgh or to a service which the county council provide,

whether under statute or statutory order or by arrangement within the burgh.

While there is no parallel to the large burgh—half in and half out of the county—in English local government today, it is perhaps permissible to refer to the “new county borough” status suggested by the Boundary Commission in their second Report for boroughs in the population group of 60,000–200,000. These would be within the county for police and fire service, the preparation of the “over-all development plan,” financial responsibility for classified highways, remand homes and approved schools, road fund and local taxation licences and certain “agricultural” functions (land drainage, small holdings, diseases of animals); the new county boroughs would be represented on the county councils.³

Mention may be made here of the combination of county areas for general local government purposes. Of the 33 Scottish counties, 16 have a population of less than 50,000—this is true of only one English and four Welsh counties. Two of these Scottish counties—Kinross and Nairn—have populations of less than 10,000 and section 118 of the Local Government (Scotland) Act, 1947 (following a provision in the Act of 1929) provides for the combination of Kinross with Perth and Nairn with Moray for every purpose for which a small burgh is included within a county (police, education, fire service, local authority health services, town and country planning, classified roads, valuation for rating, registration, Sale of Food, Food and Drugs and Milk and Dairies Acts, river pollution prevention, etc.); the members of the county councils for the two counties in each case form a joint county council for the combined county. The county councils remain separately responsible for the county council services in the landward areas and there is provision for the apportionment of exchequer grants and expenses. The Local Government (Scotland) Act, like the Local Government Act, 1933 for England, provides for voluntary combination of local authorities for particular purposes and, unlike the English local Government Act, for compulsory com-

bination. There is, however, nothing in English practice, so far, which is a parallel to the Scottish joint county councils. Section 140 of the Local Government Act, 1933, gave power to county councils to apply to the Minister of Health for a provisional order uniting two counties, but no such order has ever been made; the Boundary Commission recommended six unions, including 13 administrative counties and part of another; they did not, however, suggest the retention of the original county councils for any purpose such as occurs in Scotland under the provisions mentioned above.

Non-county boroughs and urban districts in England can be compared with small burghs in Scotland. As might be expected, the Scottish units are generally smaller than their English counterparts. The populations of the 309 non-county boroughs range from 178,000 to 876, with an average of 30,000; nearly a third, however, (93) have less than 10,000 inhabitants while over half (164) are in the 10,000–20,000 population group. For 572 urban districts, the population range is from 211,550 to 707, with an average of 14,000; here just over half the units (297) have less than 10,000 inhabitants and another quarter (150) are in the 10,000–20,000 group. In Scotland, the 172 small burghs vary in population from 20,000 to 341, with an average of about 4,800; only an eighth have more than 10,000 inhabitants, and between a fifth and a sixth (31) more than 5,000 and less than 10,000, leaving three-quarters of the small burghs (117) under 5,000 population.

There is a fairly close similarity between the functions exercisable by small burghs and by non-county boroughs and urban districts of comparable population. Some previous divergences have been removed now that the English authorities have lost to the county councils the functions relating to elementary education and personal health services, which some of them enjoyed before the Acts of 1944 and 1946 respectively. Both English and Scottish authorities retain their status as authorities for housing and unclassified roads; the right of the English urban districts of over 20,000

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population to claim the maintenance of classified roads, of over 40,000 population to act as authorities for the Food and Drugs Act, and of over 60,000 population to claim the status of excepted districts for the delegation of educational administration can be disregarded in this comparison with small burghs in Scotland, since none of the latter have populations of more than 20,000. Attention may be drawn however, to the functions of English non-county boroughs of over 10,000 population as the authorities under the Diseases of Animals Acts and, if Quarter Sessions boroughs, under the Weights and Measures and Explosives Acts; these are functions not performed by small burghs in Scotland. But, broadly speaking, there is a reasonably good equation of small burghs with non-county boroughs and urban districts. This is not, however, the case with English rural districts and the Scottish districts, although the divergence is less one of area and population than of powers. The 475 rural districts in England and Wales vary in population from 80,000 to 1,200 with an average of 16,000; 155, or a third, have less than 10,000 inhabitants, a further 202 or two-fifths between 10,000 and 20,000. In area they have an average of 67,000 acres. In Scotland there are about 200 districts for an area of 18,806,292 acres with a population of 1,543,648—an average of about 7,700 population and 94,000 acres, which gives an acreage nearly half as large again as the English average and a population less than half that of the average for English rural districts.

The English rural district is historically a union of parishes. It is the descendant of the rural sanitary district created by the Public Health Act of 1872—that part of a poor law union not comprised in the area of a borough or other form of urban sanitary authority—and beyond that it goes back to the sanitary functions originally exercised by the guardians of the union as nuisance authority from 1846 onwards. The rural district councils were also the heirs of the highway boards, although they lost their highway functions under the Act of 1929, except in so far as the maintenance of unclassified roads might be delegated

to them by the county councils. Still, rural district councils in England are authorities in their own right for a number of important functions; housing is perhaps the most important, but there are also the environmental health services (water supplies, sewerage, sewage disposal)—the functions carried out by sanitary inspectors, the provision of cemeteries and of baths and washhouses; the rural district councils are also local authorities under the Civic Restaurants Act. The rural district council, like other county district councils, is a rating authority, levying and collecting rates and, until the coming into operation of Part III of the Local Government Act, 1948, making valuations for rating. Within the area of the rural district council are the parishes under parish councils, and parish meetings, exercising a narrower range of functions and limited in their powers to levy, by precept on the rural district council, rates for their own purposes.

The Scottish district councils were formed by schemes made under the Local Government (Scotland) Act, 1929. There had previously been district committees of county councils, whose functions were not dissimilar from those of English rural district councils but these were abolished and their duties transferred to the county councils directly. The district councils formed under the 1929 Act were to take over the work of the former parish councils—about 900 in all Scotland. Previously the parish had been the area for both education (rather like the school board district in England outside London) and poor law (not the union as in England). But the poor law, changed into public assistance, was transferred to the counties and large burghs by the Act of 1929; education was also transferred to the counties and counties of cities by that Act, although it had been taken from the parish to be administered by *ad hoc* authorities on a county basis in 1918. When district councils were created in Scotland in 1929, their main functions were to be the provision of public recreation grounds, of buildings for public offices and meetings, the maintenance of public ways (other than highways), the leasing of allotments,

and powers relating to parish trusts; since 1929, district councils have received powers under several acts, including the provision of facilities for physical training and recreation, of entertainment and the maintenance of war memorials. The district councils have also a number of minor functions, power to make representations and complaints on special matters and the like. Mention will be made later of their position as the executant of functions by delegation but by and large it would seem that a district council in Scotland has, on balance, at least as many functions as an English parish council and some (e.g. in relation to entertainments) which such a council has not. Among the powers of a parish in England are those of providing recreation grounds under the Public Improvement Act 1860, or adopting the Burial Acts, the Lighting and Watching Act, and the War Memorials (Local Authorities Powers) Act, 1923; it can provide baths and washhouses or administer a public library already provided under the Public Libraries Act.

The Scottish district council, like the English parish council or meeting, but unlike the rural district council, cannot levy its own rate, but must precept (or, as the Scots say, "requisition") on another authority, in this case the county council. Like the parish in England its power to make a rate is limited—to a shilling in the pound; in England, the limit that a parish council can raise is 4d. in the pound, with a further 4d. with the consent of the parish meeting, or such higher sum as the Minister of Health may fix, but expenses incurred under the Adoptive Acts (Burials, Public Improvements, Lighting and Watching, War Memorials, Public Libraries, and for this purpose, Baths and Washhouses) are not taken into account when computing these figures; similarly in Scotland expenditure by a district council under the Physical Training and Recreation Act, 1937, the Civic Restaurants Act, 1947, or in payments to members under Part VI of the Local Government Act, 1948 or in the provision of entertainments under section 132 of that Act are not

taken into account when calculating the shilling rate.

The district council in Scotland, can carry out not only the functions it enjoys in its own right but those which it may exercise by delegation from the county council, for under the Acts of both 1929 and 1947 a county council can delegate to a district council, as to a small burgh, any functions other than those relating to police and education; under such arrangements a district council or town council of a small burgh or two or more of them jointly, can act as agents for the county council. Comparison may perhaps be made here with the power of a rural district council to delegate functions to a parochial committee in England.

The general power of delegation from county councils to district councils in Scotland is not exactly paralleled in England, since Section 274 of the Local Government Act, 1933, which does give a general power to county councils to delegate to county district councils, excludes functions for the discharge of which a county council has to appoint a committee (such as education, health, police, fire services, children) or those in respect of which a statute makes specific provisions for delegation, as well as excluding the delegation of power to borrow money or precept for the levy of a rate. On the other hand, the arrangements for collaboration between county and county district councils in England, such as those listed in para. 11 of the Second Report of the Local Government Boundary Commission (financial assistance, co-ordination, concurrent powers, co-operation on joint bodies, appointment of nominees of district councils on committees or sub-committees of county councils) do not seem to be paralleled completely in Scotland, perhaps because of the greater amount of work for which the Scottish county council itself is responsible, especially in the "landward" areas—i.e. the areas outside the burghs. There is also perhaps a tendency to bring in the county council as the direct authority in cases when in England it might be used rather to co-ordinate the activities of district councils. In England, county

councils are responsible, subject to certain conditions, for the payment of half the salaries of the sanitary inspectors and medical officers of health of county districts; in Scotland there is a county sanitary inspector who acts directly for the landward parts of counties. In England, the county council has a statutory duty of promoting schemes for the joint appointment of district medical officers and, under many schemes, a medical officer may serve one or more districts and also act as assistant county medical officer, especially since the National Health Service Act, 1946 has diminished the health functions of county districts. In Scotland, not only is there no statutory medical officer for the district councils of the landward areas, but wherever a vacancy arises in the post of medical officer of health of a small burgh, then, unless the Secretary of State agrees otherwise in any particular case, the county medical officer of health must be appointed medical officer of the small burgh.

There is also some difference in practice between the two countries in the participation of councils of areas within the county in schemes for the delegated administration of county council functions, and the position with regard to education may illustrate this. Under the Education Act, 1944, a scheme of delegation may provide for the delegation of functions either to district education executives or to the councils of boroughs or urban districts which are excepted districts under the Act (those claiming the status which had 60,000 inhabitants or 7,000 pupils on the elementary school rolls in 1939, or are specially "excepted" by the Minister). The composition of the district executives is not laid down in the Act, but they generally include members of both the county councils and of the district councils within the area of the executive. In addition, the "minor education authorities" (councils of non-county boroughs, urban districts and rural parishes) appoint representatives to the managing bodies of primary schools.

In Scotland, the Act of 1929 provided for county councils to make schemes for

the appointment of management sub-committees of school or groups of schools within their areas; the 1947 Act renamed these "sub-committees for management of educational institutions," including in this term schools, junior colleges and technical colleges. By statute, the sub-committees must include nominees of burgh and district councils or, failing such nominations, local residents otherwise qualified to represent local interests in the management of educational establishments, as well as representatives of parents and teachers and, in the case of sub-committees managing junior or local technical colleges, persons concerned or engaged in crafts, industries, commerce or other employments in the area. Although the large burghs are included within that county for educational purposes there is no provision for the constitution of any town councils as delegates for education administration on the lines of the "excepted districts" in England.

COMPOSITION OF COUNCILS

In England, councils are composed of councillors elected for three years; in addition, the councils of counties and boroughs elect aldermen equal in number to a third of the elected councillors (one-sixth in the London County Council and the Metropolitan Boroughs) who serve for a six-year term, a third of the aldermen retiring every two years; aldermen are chosen from persons who are either councillors or qualified for election as councillors. This aldermanic principle of co-optation is not found in the councils of local authorities in Scotland. Nevertheless, two elements can be distinguished in each of the three classes of council—town councils, county councils and district councils. In the town councils, all members (apart from the historic exceptions mentioned below) are directly elected for a term which is normally three years. The elected councillors then elect from among themselves the magistrates—the provost and bailies. Provosts serve for three years after their election as provost and do not retire as councillors during that period, but bailies hold office as such until due to retire as councillors in the ordinary course; a town council may, however,

when electing to the office of bailie a councillor who has previously held the office of bailie, fix a shorter term.⁴ Thus whereas in England the aldermen are distinguished from the councillors by reason of their method of election and the fact that they serve for a term of office twice as long as that of councillors, but do not differ from councillors by reason of their functions, the Scottish position is almost the reverse; the bailies are elected as councillors, and serve as bailies for a term not exceeding three years, but they are distinguished by their service as magistrates in the burgh police court. Mention may be made here also of the power of councils to appoint councillors, who have previously served as magistrates in any burgh having a police court, as judges of police to sit as magistrates in the burgh police court for their term of office as councillors, or for some shorter period.

With regard to the chief office of the borough or burgh, the English lord mayor or mayor is elected annually and need not be a member of the council, provided that he is qualified for election; the Scottish lord provost or provost is elected for three years and must first be elected a councillor.

England has one other office held by councillors not found in Scotland, and Scotland has two offices not found in England. In the English counties corporate (but not in Berwick-on-Tweed), and in Oxford, a sheriff is appointed annually; in practice the duties of the office, other than ceremonial duties, are performed by the undersheriff. All Scottish burghs have an honorary treasurer and a dean of guild, and those burghs which did not appoint such officers before 1947 do so now by virtue of the Local Government (Scotland) Act of that year. The honorary treasurer corresponds most nearly to the chairman of the finance committee in an English borough; apart from acting as convener of the finance committee, he is charged by statute with the exercise, subject to the directions of the town council, of general superintendence over the council's finances. In Scotland, the equivalent of the English borough treasurer is styled chamberlain. The honorary treasurer's term of office and

election is similar to that of the provost. The other specially Scottish office is that of dean of guild. He presides over the dean of guild court, which, apart from those governed by local Acts or other special provisions, comprises also two, three or four as for councillors appointed by the town council and exercise a jurisdiction relating to the control of building.

In Edinburgh, however, the lord dean of guild is elected in the traditional manner by the guild brethren, in Glasgow the dean of guild by the merchants' house, and in Aberdeen, Dundee and Perth by their respective guildries. All of these are *ex officio* members of the city councils, as are the deacon convener of trades elected by the convenery in Edinburgh and the deacon convener elected by the trades house in Glasgow. These appointments are vestigial survivals of the former composition of the Scottish town councils, comprising representatives of guilds merchant and trades respectively; one may perhaps compare the part played by the City of London liverymen, assembled in Common Hall, in the election of the Lord Mayor and sheriffs.

In England, the municipal corporation is distinguished from other types of local authority by the fact that all the inhabitants of the burgh, and not the council, are incorporated, though they can act only through the council, and the corporation is styled "the mayor (or lord mayor), aldermen and burgesses (or citizens, if the borough is a city); exceptions are that Bristol, though a city, styles its corporation "the Lord Mayor, Aldermen and Burgesses" and the metropolitan boroughs are incorporated by statute as "mayor, aldermen and councillors of . . ." But in Scotland the town council is incorporated, and, apart from provisions in a local act to the contrary, the corporation is styled "the provost (or lord provost), magistrates and councillors."

The English county council, as already mentioned, comprises councillors and aldermen, who need not be elected members of the council, with a chairman, appointed annually (though in practice frequently re-elected) who also need not

be a councillor, provided he is qualified for election. In Scotland, as one might expect from the analogy with town councils, the chairman must be a councillor and is elected for a three-year term. The council comprises two types or members. For the landward (rural) areas, there are elected councillors, serving like the English councillors for three years. But for the burghal areas, there are burgh representatives, elected not by the local government electors, but by the town councils, and these must be members of the town councils electing them.

Almost the reverse of this system is found in the district councils. These comprise not only elected district councillors, but also the county councillors elected for the electoral divisions in the district. The English urban and rural district councils of course are composed only of elected councillors except that the chairman need not be a councillor. A parallel to the composition of the Scottish district councils may however be found in England in some of the parochial committees appointed by rural district councils which may comprise the parish councillors and the district councillor or councillors for the parish; the district councils in Scotland, in as much as they are the heirs of the Scottish parish councils, and exercise some of their functions by delegation from the county council, may be compared in their relationship to the county councils with the parochial committees in their relation to rural district councils in England. It will thus be seen that, whereas in England overlapping of membership between the councils of counties and of county districts can occur only accidentally and in individual cases, in Scotland there is statutory provision for the integration of elected personnel between them. A Scottish county council comprises directly elected members for some areas of the county (the districts or "landward" areas) and indirectly elected members for the other areas (the burghs); every member of the county council is a member of another council as well. In the burghs, this is due to the use of indirect election, since the burgh's representatives on the county council

are town councillors, chosen by the town council. In the districts, the directly elected representatives of the district on the county council serve on the district council *ex officio*. In England, indirect election has not, generally speaking, been favoured as a method of constituting general-purpose local authorities; the other device used in Scotland—making members of the higher body *ex officio* members of the council next below it—has been not infrequently suggested, sometimes in substitution for aldermen, as by Prof. G. D. H. Cole in his *Local and Regional Government*.

In both England and Scotland county councillors all retire together every three years, and in both countries town councillors retire annually by thirds; in Scotland, however, a provost or honorary treasurer remains as councillor so long as he holds the other office. With district councils there is a slight difference between the two countries. In England a third of the councillors of urban and rural districts retire every year, unless the county council makes as order on the application of the district council providing for all councillors to retire together at the end of three years. In Scotland, the *ex officio* district councillors retire together at the end of their three year term as county councillors, and the elected district councillors retire with them.

OFFICERS

The list of officers whom local authorities are obliged by statute to appoint is similar in both countries. A county council in either country must appoint a clerk, a treasurer, a medical officer of health and a surveyor: in addition, county councils in Scotland must appoint a collector of rates, and a sanitary inspector, because of the rating and environmental health functions which the county council carries out in the landward areas of the county. A Scottish county council must also appoint an assessor to act for the small burghs and the landward areas of the county. There are of course also the statutory offices which in both countries are associated with specific services,

such as those of chief constable, chief education officer and children's officer.

Similarly, a town council in either country must appoint a town clerk, treasurer or chamberlain, medical officer of health, surveyor and sanitary inspector; statutory provision is also made for burgh councils to appoint, if they wish, inspectors of lighting and/or cleansing. The appointments of clerk of the burgh police court and burgh prosecutor, which must be made by the town councils of the burgh, have no exact parallel in England. A burgh must also, like a Scottish county, appoint a collector of rates. The district council in England must appoint a clerk, treasurer, medical officer of health, sanitary inspector and, if an urban district council, a surveyor; in Scotland, the only officers who must be appointed are the clerk and the treasurer. The practice of joint appointments, whereby one medical officer of health acts for one or more county districts and also as an assistant county medical officer of health is found in many cases in England; and the Minister of Health may provide by order for the combination of districts for the appointment of a medical officer of health where it would diminish expense or otherwise be for the advantage of the districts. In Scotland it is found also, with the addition that, as mentioned above, where a vacancy arises in the post of medical officer of health of a small burgh, the medical officer of health of the county is generally appointed to the post. Arrangements are also made in some counties (e.g. Midlothian) for officers of the council, employed in decentralised county administration such as clerkship of school management committees, to be appointed clerks of district councils—a degree of integration between county and district administration not so far in practice in England.

Limitation of the power of local authorities to dismiss officers differs in the two countries. In England, apart from the special provisions which related to the poor law officers, the only general provisions are those requiring the consent of the Minister of Health to the dismissal of medical officers of health, sanitary inspectors and clerks

of county councils, and he also approves the salaries of the latter offices. In Scotland, the following officers can be removed only by a two-thirds majority of the council—county and town clerks, county treasurers and burgh chamberlains, county and burgh surveyors, assessors, county and burgh collectors of rates, burgh inspectors of cleansing and lighting (where appointed) and district clerks and treasurers. Medical officers of health and sanitary inspectors may, as in England, be removed with the consent of the appropriate Minister, but he may also himself dismiss them. Approval of appointment of chief constables by the Home Secretary, and of highway surveyors by the Minister of Transport (where grant is received in aid of their salaries) and the prescription of qualifications by the central government for medical officers and sanitary inspectors are familiar in England and broadly similar provisions exist in Scotland. There is, however, a provision in the Local Government (Scotland) Act 1947 enabling the Secretary of State to prescribe qualifications for county treasurers and town chamberlains. These regulations, made in 1948, require county treasurers and town chamberlains of large burghs to be qualified by examination for membership of at least one of eight specified bodies (chartered, incorporated, municipal and certified accountants, and the corresponding bodies in Ireland, Edinburgh, Glasgow and Aberdeen); burgh treasurers in small burghs and county treasurers in Kinross and Nairn must be similarly qualified or have held the office of town chamberlain when the regulations were made, or have had five years experience in a local authority or other qualified accountant's office, or have had five years of finance and accountancy gained elsewhere; preference must be given to the first two classes, and then to the third, before an applicant of the fourth class can be eligible for appointment.

FINANCE AND RATING

It is not possible to deal here with differences in methods of accounting or granting sanction to loans but reference may be made briefly to the

common good fund in Scotland and to the auditing of local authority accounts and, in more detail, to the differences between the rating systems of the two countries.

By origin the common good is a fund peculiar to royal burghs, of which all had one at some time and most still have; in 1833 parliamentary burghs were given the right to form such a fund, and one has in practice been formed also by some police burghs. The common good of a royal burgh began with a free grant of land from the crown, and was increased from sources such as the now vanished exclusive privileges of trade and merchandise enjoyed by burghs, or the levy of tolls and petty customs, from fines of the burgh courts or dues paid on the admission of burgesses and guild brethren. While sums raised by rate cannot be paid into the common good fund, land or money gifted to the burgh can be so used. The income from the assets belonging to the common good was used, in the days before the burgh derived its main income from rates, for virtually all local government purposes exercised by the burgh, but it is now devoted, on principles regulated by the common law, to extra-statutory purposes. These include the maintenance of the dignity and hospitality of the burgh, the acquisition and upkeep of property of benefit to the burgh, the vindication of the rights of the burgh and its inhabitants and, generally, to any purpose which the town council consider to be for the good of the burgh as a whole. Separate accounts are kept for the common good and these are distinct from those of the burgh fund; while payments cannot be made from the burgh fund to the common good, the town council can use the common good fund towards meeting the statutory rate-borne expenditure met out of the burgh fund. The Local Government (Scotland) Act, 1947 gives all local authorities, including county and district councils, the power to form a fee fund from such part as the Secretary of State may approve of fees and commissions payable to or recovered by an officer of the local authority and this fund may be applied to any purpose to

which, in the case of a burgh having a common good, the common good may be applied.

In England, three methods of audit can be distinguished. The accounts of all local authorities other than boroughs, and certain accounts of boroughs, are subject to audit by the district auditors and their staff, who are salaried officers appointed by the Minister of Health. For their accounts which are not statutorily subject to district audit, borough councils have borough auditors or may adopt either district audit or professional audit. The borough auditors are three in number for each borough, two elected auditors, elected by the local government electors of the borough from persons qualified to be councillors but who are not either councillors or officers of the borough, and one mayor's auditor, appointed by the mayor from among the members of the council; the professional auditor or auditors must hold specified accountancy qualifications and be appointed by the borough council. The most striking difference between the three systems of audit is that, unlike the borough and professional auditors, the district auditors and assistant district auditors have the duty to disallow every item contrary to law, to surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising it, to surcharge any sum which has not been brought into account upon the person who ought to have done so and to surcharge the amount of any loss or deficiency upon the person by whose negligence or misconduct it was incurred.

In Scotland there is under the general law only one method of audit, by professional auditors, who are appointed by the Secretary of State; they are qualified accountants, appointed separately for each local authority, although the same person may often be appointed as auditor for more than one authority. They do not themselves have the power of disallowance and surcharge, but report to the Secretary of State who exercises these powers, which are exercised in England, not by the Minister but by the district auditors. In England,

a person surcharged may appeal (when the amount of surcharge does not exceed £500) to either the Minister or the High Court and (when it exceeds £500) to the High Court; in Scotland, there is no statutory appeal to the Courts except that, before deciding to disallow, the Secretary of State may on the application of the auditor or a party concerned and shall, if so directed by the Court of Session, state a case on a question of law for the opinion of the Court—a provision which seems comparable to that in the English statute regarding the statement of a case on a question of law for the opinion of the High Court by the Minister when an appeal is made to him.

It may be of use to list some of the principal differences between the two countries in valuation and rating. References to the English system will be confined mainly to the system outside London, since the London valuation, (and some also of the London rating) provisions are to be assimilated to those for the provinces by Part III of the Local Government Act, 1948, and much of the rest of the London rating code will also be replaced by the 1925 Act provisions under the L.C.C. (General Powers) Act 1949.⁵

(1) In England, valuation for rating is at present carried out by the local rating authorities (county boroughs and county districts). A ratepayer can appeal against his assessment to the assessment committee composed of representatives of one or more rating authorities and there is an appeal from the assessment committee to Quarter Sessions and thence, on questions of law, to the High Court. Under Part III of the Local Government Act, 1948, valuation for rating is to be carried out by officers of the Board of Inland Revenue; the successors to assessment committees will be valuation courts, composed of members of valuation panels, appointed by county councils and county borough councils. From the valuation court, the appeal will be to the new Lands Tribunal, instead of to Quarter Sessions. In Scotland, the counties and large burghs each appoint an assessor, a statutory officer whose duty it is to

prepare the valuation roll. There is power, exercised by a number of smaller counties and burghs and two of the larger counties, to appoint an officer of the Inland Revenue, the Inspector of Taxes for the area, as the assessor. Apart from appointing the assessor, the functions of local authorities are confined to appointing from their members a valuation appeals committee, and, together with the small burghs, making third-party "complaints" against entries in the valuation roll; in this last, their position is not dissimilar from that of rating authorities in England under the 1948 Act. In Scotland, an appeal lies from the valuation appeals committee of the county or large burgh, mainly on points of law or general principles of valuation, to the Valuation Appeal Court, consisting of three Judges of the Court of Session.

(2) In England, both the 1925 Act and the 1948 Act provide for quinquennial revaluations, with proposals for the amendment or alteration of the list in force whenever necessary between general revaluations. In Scotland, there is no periodical revaluation but a fresh valuation roll is made up each year ending 15th May. In burghs, and in the counties of Lanark and Ayr under local Acts, a supplementary roll can be prepared between 1st January and 1st March of the rateable subjects which have come into existence or occupation since the main roll was made up. In practice, a partial review of properties in the area is made each year when the valuation roll is compiled. The calendar of dates by which in Scotland the valuation roll has to go through its annual pilgrimage—completion of draft roll, deposit, hearing of appeals and so on—is reminiscent of the annual timetable for the preparation of supplemental lists under the Valuation (Metropolis) Act, 1869—in force until 1 February, 1950, in London.

(3) The definitions of gross value for rating are similar in both countries—no reference is, of course, made here to Part IV of the Local Government Act, 1948. The definition applied outside London by the Act of 1925 is "the rent

at which a hereditament might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes, and if the landlord undertook to bear the cost of the repairs and insurance and other expenses necessary to maintain the hereditament in a state to command that rent." In Scotland the Lands Valuation (Scotland) Act, 1854, provides "in estimating the yearly value of lands and heritages, under this Act, the same shall be taken to be the rent at which, one year with another, such heritages might in their actual state be reasonably expected to let from year to year." Next, however, comes the difference between the two countries for, in Scotland, "where such lands and heritages are *bona fide* let for a yearly rent conditioned as the fair annual value thereof, without grassum or consideration other than the rent, such rent shall be deemed and taken to be the yearly rent or value of such lands and heritages;" thus, in England, the rent is that paid by the hypothetical, in Scotland by the actual, tenant.

(4) In England, rates are payable, generally speaking, by occupiers, except where owners of small properties are liable under compounding resolutions or by agreement. In Scotland, both owners and occupiers are liable, with provisions, analogous to those in England, for recovering from the owner the occupier's rates also on certain properties. In the landward areas, rates are payable by owners and occupiers in equal proportions. In burghs, occupiers bear the whole cost of certain specified services, while they and the owners bear equally the cost of the remaining services. The expenditure to be borne in burghs by occupiers alone includes that for police, police courts, municipal buildings, lighting, cleansing, public conveniences, Dean of Guild Court, markets, slaughterhouses, public clocks, fire brigade, public baths and washhouses, inspection of weights and measures, public libraries, supervision of food and drugs, and certain other regulatory functions; these are regarded as especially beneficial to occupiers. There are provision in both countries for "compounding"—the payment by owners in the first instance of the rates, generally on small properties,

for which the ultimate liability rests on the occupiers.

(5) Except in the City of London, rates in England are not payable on property not in rateable occupation. In Scotland, however, the owner pays owner's rates on unoccupied property.

(6) De-rating of industrial and freight-transport hereditaments follows the same principles in both countries. There is, however, a difference in the de-rating of agricultural hereditaments since in England agricultural land is completely de-rated, while agricultural dwelling houses are still liable to rates. In Scotland, on the other hand, the farm, with its dwelling house, has always been treated as a single whole, and, accordingly, to avoid separating them for de-rating, agricultural subjects, whether or not they include dwelling houses, are rated at one-eighth of their gross value.

(7) In England, for the ascertainment of the net annual value, which is also the rateable value, of house and buildings without land, other than gardens, deductions are made from the gross value, ranging from 40 per cent. where the gross value does not exceed £15, to 20 per cent. where it exceeds £100; in addition, there are deductions of 10 per cent. for land (other than agricultural land valued with buildings, as one hereditament) and 5 per cent. for land without buildings. There are no such deductions in favour of dwelling-houses in Scotland, but there are deductions for specified types of industrial and transport properties (minerals 5 per cent., manufactories 6½ per cent., pig iron and steel or iron tube works, oil refineries 15 per cent., gas and waterworks, sewers and sewage works, harbours and docks 20 per cent., railways 25 per cent., tramways 27 per cent., steel manufacture and electricity undertakings 30 per cent.) which may also be eligible for de-rating as industrial or freight-transport subjects under the Act of 1929.

House property in Scotland does not, therefore, receive the benefit of deductions which it does in England, while with other properties the converse may be the case. The view of the Sorn Committee was that because "owners of let house property in Scotland are

assessed on a valuation which includes an element of owners' rates, the rateable value of a let property necessarily includes this element, since, in accordance with the 1854 Act, it is taken to be the actual rent which passes, and a component of that rent is a sum in respect of the rates to be paid by the landlord.⁷⁶ They expressed the opinion that "the combined effect of these differences in valuation law and practice is undoubtedly to impose on house property in Scotland, and particularly on let house property, a higher proportion of the rate-borne expenditure than it carries in England and Wales."⁷⁷

In conclusion, attention may once more be drawn to two or three general features which characterise the differences between the two countries. There is a closer interlocking between local government at the county and the district level in Scotland than in England. This is reflected in the representation of

the town councils on the county councils and of the county councils on the district councils; there is also probably more sharing of officials between the two levels in Scotland than in England. Some writers have suggested that such representation of one council upon another of a different level might replace the aldermanic element in England. In Scotland the principle of co-optation upon local authorities seems less in evidence than in England, and it also presents another variation upon the aldermanic system in the bailies who are originally elected as councillors but are distinguished from them in status and by their magisterial functions. Finally, the position of the large burghs and the joint county councils are features not paralleled in England, although the former resemble, in broad principle, the "new county boroughs" suggested by the Boundary Commission.

¹ The writer is greatly indebted to Mr. Thomas Rarity for help on some of the factual details relating to Scottish Local Government.

² The comparisons of population figures are not strictly exact, since the figures for England are taken from the 1946 estimates, given in the Boundary Commission's First Report, and those for Scotland are taken from the estimates in the Return of Rates in Scotland, 1949.

³ It may be noted that education, the one service for which large burghs are always within the county in Scotland, would be administered, under the Boundary Commission's proposals, by new county boroughs independently of the counties. As regards police, the Scottish position is to some extent in accord with the Boundary Commission's view that it is a service which should be administered over both county and county borough areas together. The Police (Scotland) Act, 1946, like the English Act of the same year, contains provisions for schemes under which police forces may be amalgamated under joint police committees; so far 8 voluntary schemes have been made in Scotland, involving 17 counties and 6 large burghs which previously maintained their own forces. There is, in effect, a similar and more far-reaching accord in the case of the fire service, since, although both counties and large burghs in Scotland are fire authorities, they are together with the counties of cities, combined by the Fire Service Act, 1947, into ten areas under joint committees for the whole of Scotland.

⁴ In both England and Scotland, a third of the town councillors retire each year. There is, however, an interesting difference in the method of filling casual vacancies among the elected councillors. In England, such vacancies are filled by election either at a special election or at the next ordinary election and the person elected holds office until the person whose place he is filling would ordinarily have retired. In Scotland before the 1947 Act, the practice was usually to fill casual vacancies by co-optation. Now local authorities in Scotland have the power to choose either co-optation or direct election by the electors to fill the vacancy; a co-opted councillor holds office only until the next ordinary election but one directly elected to fill a casual vacancy continues until he himself is one of the third of the council longest in office.

⁵ The comparison of the rating system is based mainly on the Report of the Departmental (Sorn) Committee on the Scottish Rating System (Cmd. 6595) and a paper read by the late Mr. C. H. Lockhart at the 1948 Annual Conference of the Incorporated Association of Rating and Valuation Officers.

⁶ Cmd. 6595, para. 23.

⁷ Para. 26.

Organisation and Methods in Local Government*

By HORACE KEAST

ONE of the most urgent problems at present confronting public authorities of all types is that of devising efficient administrative machinery to carry out the new concept of duties which these bodies are required to perform. Apart altogether from political considerations, the functions of public administration have been completely transformed in comparatively recent years and even further developments are now being rapidly accelerated. Instead of being merely responsible for keeping the peace at home and protecting the State from foreign aggression, central government has to a large extent become responsible for planning, co-ordinating and controlling the economic and social life of the nation. Again, the notion of local government as being merely concerned with drains, roads or the provision of gas and water has been replaced by a wide sphere of positive social duties, ranging from the provision of comprehensive schemes of education, health, housing and similar social services to planning the local location of industry and the provision of cultural amenities. Further, the nationalised industries and the development of the various types of public corporations have given an extended definition of the field covered by public administration. The ultimate success of the changed concept of public administration depends on the machinery of government (central, regional, local or functional) being adequate to the task and to its being operated by personnel properly qualified for the duties.

Much progress has already been made in devising improved methods of personnel selection at all levels and also in the development of training schemes. Organisational procedure, however, is a vital part of the machinery of government and it is this element which demands immediate attention. The Civil Service has begun to tackle the problem through the medium of its Organisation and Methods system, which was initiated

some six years ago. The success so far obtained by this system has demonstrated the value of the O. and M. technique in public administration, although up to the present its activities have been concentrated on the lower levels of administrative organisation rather than on the higher levels of the central administrative process. It is now part of the official policy of central government to extend the activities of the O. and M. Divisions of the Treasury and other Departments, and both local and other public authorities would be well advised to consider the adoption of this technique for the improvement of their administrative machinery. In this essay, an attempt will be made to show the way in which an O. and M. system could be applied to the needs of local authorities, and in this connection it is significant that the largest local authority in the country has recently decided to apply a form of the O. and M. technique to its administrative organisation.

FUNCTIONS OF O. AND M.

In considering an O. and M. procedure for local authorities, it is necessary to begin with a firm definition of this technique. The Fifth Report of the Select Committee on Estimates stated that: "The purpose of O. and M. in the Civil Service is to secure maximum efficiency in the operation of the Government's executive machinery; and, by the expert application of scientific methods to organisation, to achieve economy in cost and labour. The operations of the O. and M. service, although not directed primarily to securing reductions in staff, almost invariably result in the more economical use of staff." This definition may well serve as a basis for discussing O. and M. in relation to local authorities. The functions of the O. and M. officers may range from planning the whole of the organisation of a new department to recommending improvements in the design of official forms. O. and M. officers would give expert advice on office

* Prize Winning Essay in the Haldane Essay Competition, 1948.

mechanisation, and make recommendations on the most effective use of the machines installed. They would advise on the co-ordination of work, both as between sections of a department and between departments. The officers would make recommendations as to the most efficient and economic manner of carrying out the administrative and clerical operation of each department of the authority. There is no limit to the range of their duties. In the higher levels they might deal with the most effective way of allocating functions between committees and departments, and, at the other extreme, they may make recommendations on the use of such devices as "window" envelopes, the lighting of offices and the re-organisation of filing systems. The function of the O. and M. officer is to give a critical examination of every part of the work, to find out why each operation has to be carried out, whether it is necessary, and, if so, the best method of doing it. Each job must be considered in relation to the work of other sections and departments, and the whole of the work must be planned and co-ordinated so as to achieve maximum efficiency with minimum man-power.

Schemes of an O. and M. character are already in operation in the finance departments of the larger local authorities. The steadily increasing volume and complexity of the financial work has resulted in extensive mechanisation of the treasurers' offices of a large number of authorities. The introduction of these mechanised systems has generally been preceded by a searching review of the work of all sections of the finance department, with the consequential result that accounting systems have been rationalised, work has been co-ordinated, unnecessary operations and records have been eliminated, efficiency of budgetary control has been increased, and there has been a significant saving in man-power. Even if the total numbers of staff have not been reduced, it is fair to claim that increases in personnel have been less than proportional to the additional burden of work which has recently been placed on such local authorities. Office mechanisation is one of the incidental functions of the

O. and M. technique, but the local government problem must be surveyed over a much wider area. This survey must cover the work of all departments, inter-departmental relations, the allocation of duties between departments, as well as the work, terms of reference and constitution of the committees responsible for the various departments. The survey must be continuous, and, although the duties of the O. and M. staff will be advisory, the authority must insist on the recommendations being given serious consideration in the departments. Reports on the work of the O. and M. officers and the results of their advice should, therefore, regularly be submitted to the committee responsible for the O. and M. section.

REPORTS TO COMMITTEE

The experience of the Civil Service is that O. and M. work is so closely related to establishment work that the O. and M. Branch of a Department is part of the Establishment Division, and the O. and M. officers are responsible to the Establishment Officers, whose official titles have now been amended to Establishment and Organisation Officers. Local Authorities may well take full advantage of the experience gained by the Civil Service, and the responsibility for O. and M. work of an authority should be vested in the Establishment Committee. Few local authorities have an organisation of sufficient size as to justify an O. and M. branch in each department, and the most convenient arrangement will be for the O. and M. staff to be responsible to the Chief Establishment Officer, and through him to the Clerk of the Council. Where, however, the authority is not of sufficient size to justify a specialised Establishment Section, the duty of providing an O. and M. service may be placed on the Chief Financial Officer, who could allot the detailed work to some of his principal assistants. It should be kept in mind that the Institute of Municipal Treasurers and Accountants has for many years encouraged the adoption of improved methods for carrying out the work of local authorities. An O. and M. Sub-Committee of the Establishment Committee should be set

up with terms of reference to cover all the activities of this particular specialist service. Regular reports on the work of the O. and M. section should be submitted to this Sub-Committee, together with details of the recommendations made to the Heads of Departments and the action, if any, taken on this advice. The members of the Sub-Committee should be prepared to give detailed attention to the O. and M. reports submitted for consideration, and wherever possible it will be an advantage for members with experience in large-scale business or administrative spheres to be appointed to the Sub-Committee. Indeed, one or two persons of outstanding knowledge or experience in these matters might well be co-opted to the Sub-Committee, subject to the approval of the local authority. A Sub-Committee which merely rubber-stamps the reports of its official is not adequate to the task envisaged by the O. and M. technique. The Sub-Committee should be able to bring an effective critical faculty to the consideration of the matters submitted by the technical O. and M. officers and to offer suggestions for further improvements or research. It should be capable of making a reasonable assessment of the efficacy of the suggestions placed before them, while the intelligent interest of the members in the work should be of a degree which will encourage the officers in their various assignments. Unless the O. and M. staff can rely on the support of a strong and well-informed Sub-Committee much of their efforts will be wasted. The clerk of the authority and the chief financial officer should attend all meetings of the Sub-Committee, for these officers, both by their training and the nature of their daily relationships with all departments, are well qualified to contribute advice on administrative and organisational problems.

In the course of their duties, the O. and M. officers will make many recommendations on comparatively minor organisational matters. In some cases, these recommendations will follow from requests for advice on specific problems from the departments, and in others they will arise from the routine continuous review undertaken

by the O. and M. staff. In all cases, however, there will be preliminary consultations between these officers and the departments, and the eventual advice will be submitted to the head of the department concerned. Such minor organisational problems may range from the review of a particular set of operations to ascertain whether improvements could be made by using a departmental or central addressing-machine for repetitive data to the most effective and economic method of filing for some new job. Regular reports on these assignments, with details of the action taken, should be submitted to the Sub-Committee, which may select some items for "follow-up" reports on the practical worth of these selected cases after a period of, say, six months.

The major assignments of the O. and M. section will be far more onerous affairs, and the mere citation of some of these duties will give some indication of the high qualifications which the O. and M. staff must possess. When a new department is set up the initial administrative scheme must as a matter of course be referred to the O. and M. section. It is unlikely that the administrative machinery for such a new department would be devised before a nucleus of technical officials for the department had been appointed, including a chief officer, and it is clear that the O. and M. officials must co-operate with this departmental staff. The technical officers of the department would supply information on the work which the administrative machine must perform and the O. and M. staff would advise on the best organisation for carrying out these functions. They would take into consideration all the most up-to-date, efficient and labour-saving organisational techniques, and wherever possible would also prevent overlapping inside the department and with other departments. Further, any extensions of an existing department would be dealt with in a similar way. Again, any applications by a department to the Establishment Committee for increases in staff may be referred to the O. and M. section, so that the organisation of the department may be reviewed. It may be found that the

applications for increases are justified or it may be recommended that the systematic revision of operations or the re-arrangement of work or the use of mechanical aids, either existing or additional, may make extra staff unnecessary. It is clear that all these major assignments are of such first-rate importance and of possible domestic controversy that the Sub-Committee should consider the recommendations before any decisions are taken. The Sub-Committee may consider alternative schemes and will also take into consideration details of expenditure, both in money and man-power, as well as data on operational technique. The views of the Sub-Committee would be communicated to the departmental committee concerned and in questions of deep dispute there may be joint conferences between representatives of the Sub-Committee assisted by the O. and M. officers, and the departmental committee concerned, advised by the appropriate chief officer. A final cleavage of opinion may even have to be referred to the full council for settlement.

Where the recommendations of the O. and M. section may affect the staffing of departments, either from the angle of numbers or grading, the Sub-Committee must fully report to the Establishment Committee, so that any consequential establishment action may be taken.

REVIEWING COMMITTEE STRUCTURES

In reviewing the organisation and procedure of a department or section it may sometimes be found that avoidable complications and unnecessary work are caused by faults in the committee structure of the authority. There may be an intricate series of sub-committees with overlapping terms of reference, making it necessary for even routine matters to be considered by more than one of these sub-committees before report is made to the parent committee. Time is wasted and irritation caused by matters having to be taken from one sub-committee to another without any finality of decision, while the recommendations of one sub-committee may be reversed by another, leaving it to the parent committee to resolve the

differences by a firm recommendation to the full council. As well as consuming the time of officials who have to prepare several versions of similar data for submission to these sub-committees, there is also much unnecessary work for the shorthand/typing and clerical staff. Similar circumstances arise when authorities and standing committees refuse to delegate authority, with power to act, to their chairmen to decide minor routine questions within the framework of the agreed policy of the authority. Again, sub-committees may be organised on a sectional basis rather than on a functional method. For example, both the Primary and the Secondary Education Sub-Committees may each be responsible for all the services relating to the schools under their respective jurisdiction — general conditions of employment of staff of all categories (even including cleaners), terms for the letting of schools, maintenance and repair of premises and school meals service. It is clear that a far more economic and efficient arrangement would result from the Primary and Secondary Sub-Committees being each responsible for the policy, management and general educational technicalities of their respective schools, with a series of functional sub-committees (such as Staffing, School Buildings and School Meals) to deal with those matters common to both primary and secondary schools. A wage agreement for cleaners would then need the endorsement of only one sub-committee, the policy and scale of charges for school lettings, which is a particularly important question in rural areas, would be considered by only one sub-committee, the organisation and supervision of the school meals and similar ancillary services would be dealt with by one specialised sub-committee, and so on. The re-arrangement of the committee structure on this basis would not only result in more efficient and better co-ordinated consideration of the particular questions, but organisational economies and simplifications would also follow in all sections of the department. These are only a few illustrations of the type of faults which may be revealed in the committee structure, but when an O. and M.

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investigation indicates the need for a re-organisation of committees, a detailed report on all aspects of the question should be submitted to the O. and M. Sub-Committee, who would consider whether a *prima facie* case has been made for the proposed re-organisation. If the Sub-Committee deems that such a case has been established, they may endorse or vary the proposals of the O. and M. officers, and the recommendations of the Sub-Committee would be passed to the "appropriate committee" for consideration. The decision as to which is "the appropriate committee" to receive these reports must, of course, depend on the domestic arrangements of the authority. In some cases it may be the standing committee from which the sub-committees derive their authority, while in others it may be the selection committee which deals generally with the terms of reference of committees and the appointment of members to committees.

RANGE OF ASSIGNMENTS

It has been shown that the O. and M. technique can be applied to all levels of local authority administration, ranging from simple clerical operations of a routine character to the committee structure of the authority. O. and M. surveys may also reveal that improvements may be made in the allocation of duties between departments. It is true that there is only a limited field for such organisational revisions, for a growing number of the functions of local authorities are by statute allocated to specific officials or committees (and hence the departments for which they are responsible). In spite of this limitation, there is an appreciable range of incidental duties which are sometimes arbitrarily placed on one or another of the several departments of an authority. A planned review may show that some of these duties could be more appropriately carried out in a different department, where better resources are available for the duties concerned, or where economies can be effected by attaching the functions under consideration to other work of an allied character. Closely connected with the allocation of duties to departments is the co-ordination of work between two or

more departments. For example, both the Clerk's Department and the Highways Department may be responsible for duties in connection with the acquisition of land for road purposes. It too often happens that each of the two departments have elaborate filing systems with documents relating to all stages of these transactions, involving much copying and inter-departmental correspondence. A common filing system between the two offices may in some places prove a practicable economy and the plan could possibly be extended between the Clerk's Department and the Education Department in regard to properties and land purchased for educational purposes. Again, there could be a sharing of filing systems between the Clerk's Department and the Chief Financial Officer's Department for salary and superannuation personal records.

All policy formation by a local authority must be based on facts, and the factual data necessary for policy consideration invariably includes items of local statistics. In some places, these statistics are prepared in a haphazard way as and when the information is required by the departments involved, while in others there are special officers responsible for the preparation of statistics in several departments. Thus, the Chief Financial Officer has a statistical assistant while the Education, Health and Planning Departments also have officers of varying grades engaged on this type of work for varying proportions of their time. This arrangement may be both efficient and economical for the particular authority, but an O. and M. review may indicate that an even more efficient as well as more economical organisation is possible, such as the appointment of one properly-qualified Statistical Officer, attached perhaps to the financial office, for all statistical research. He would maintain a service of up-to-date statistics on all routine subjects and his specialised services would be available to any department for particular statistical jobs as and when required. This is cited as one way in which an O. and M. investigation might resolve a problem involving specialist services common to two or more departments, and the same

principle might be applied to other work of a similarly specialised nature.

The arrangements recommended after an O. and M. review may include the sharing of some mechanical office appliances by two or more departments. For example, there might not be enough copying work to justify the installation of a photographic copying machine for any one department, although such a machine might be a worth while proposition for sharing between two or more departments or even by all departments of the authority. The same principle might apply to electric plan-printing machines, addressing machines and sundry other mechanical appliances. Incidentally, it is one of the functions of the O. and M. officials to keep up to date with all developments in office machinery and equipment, filing systems and similar organisation devices. An indispensable text-book in the library of the O. and M. Section will be "Machines and Appliances in Government Offices", which has been compiled by the O. and M. Division of the Treasury. It is a comprehensive guide to existing types of office machinery, ranging from accounting and addressing machines to date stamps and filing systems. Of equal importance are the companion volumes on "Procedure Records", "Organisation Charts", "The Design of Forms" and "Suggestion Schemes in Government Departments". All these books are published by H.M.S.O. O. and M. in local government must profit by the researches and experience of similar work in the Civil Service, as well as in industry, and in course of time the local authority research and experience will make contributions to the common pool of the O. and M. science.

O. AND M. STAFF

When a local authority decides to inaugurate an O. and M. Section the initial arrangements must be made with careful regard to the reactions of the staff as a whole. Some may be suspicious and feel that O. and M. is a disguise for some instrument of unreasonable interference or efficiency stimulation. The success of O. and M. depends to a large extent on the willing co-operation of all grades of staff, and this help will not be

forthcoming unless the scheme is launched with tact. Further, Heads of Departments must be assured that the O. and M. service is primarily of an advisory character, and its functions in no way impair the responsibility of the Chief Officers for the administration, efficiency and control of their departments. Local circumstances and even personalities must be taken into account in formulating the initial scheme for the O. and M. Service. Indeed, in most cases it will be best if the first assignments are on work in the departments of either the Clerk of the Council or the Chief Financial Officer, the two departmental heads who will be regularly attending meetings of the O. and M. Sub-Committee. It will not be long before other departments will be referring organisational problems to the O. and M. Section, and the tactful handling of these assignments by the officers will do much to overcome suspicion or even opposition. When departmental confidence is firmly established, the Section will be able to undertake major assignments on the lines which have been suggested in the foregoing pages.

The initial staff of the O. and M. Section should be a small unit of one or two well-chosen officers, and numbers can be increased as the work develops. On the question of O. and M. staff, some remarks of Mr. J. R. Simpson, Director of the O. and M. Division of the Treasury, are of interest, "Who are these people who are employed on O. and M. work? They are not divinely inspired individuals possessing some mysterious power which enables them to see at a glance what is wrong with any organisation or methods of work they examine. They are for the most part just ordinary Civil Servants with a bent for this kind of work who have been given specialised training and who possess, what few of us who have a heavy day-to-day job to perform can ever hope to have, that is, time and opportunity for objective study. It is all too often hard, grinding, onerous work requiring concentration and perseverance."

The Civil Service has set up a centre for the training of its own O. and M. officers, and the Treasury is willing to

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accept a limited number of trainees from other public authorities. Local authorities would be well advised to take advantage of these facilities. Some have already done so.

The foregoing account of O. and M. technique has been almost entirely concerned with the application of its principles to local government. These principles, however, can be similarly applied to the work of any other public authority or fairly large-scale venture, except that variations and modifications

of procedure may be necessary according to the constitutional characteristics of the body concerned. The principles of O. and M. have been practised in industry, albeit under a variety of titles, for many years, but it is only recently that any serious attempt has been made to apply the system to public administration. The results so far achieved, however, have demonstrated that the wise use of the O. and M. technique will do much to solve the organisational problems so acutely confronting all branches of public administration.

Gwilym Gibbon Research Fellow

Nuffield College propose to elect a Gwilym Gibbon Research Fellow for one year in the first instance with the possibility of a further year. The Fellow will be required to devote his time to research into a problem of government. Preference will be given to candidates with experience in the public service

and to serving officers whose employing Department or Authority may be willing to second them. Applications should reach the Warden by September 30th and should give the proposed subject of research. Application forms and further particulars can be obtained from the Warden, Nuffield College, Oxford.

The 'Taxes' Organisation Advisory Committee

By G. R. TURNER, M.B.E.

I

The original constitution of the National Whitley Council included in its objects :—

- (1) Provision of the best means of utilising the ideas and experience of the staff.
- (5) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.

Most Departmental Whitley Councils have similar objects. But one looks almost in vain in the minutes of the National Whitley Council for any item which could possibly be covered by the definition. In fact, the National Whitley Council is an Establishments body dealing with all the multifarious matters covered by the Civil Service term "Establishments," but excluding all matters of organisation which the Organisation and Methods Division of the Treasury recommend should be an integral part of an Establishments Division.

One of the few occasions was in 1930, when a Committee was set up to consider the question of Suggestion Schemes, but by May, 1934, it had failed to reach agreement. The Staff Side thought that "Suggestions" was proper to a Whitley body; the Official Side that it was an executive function. Nothing further seems to have been done to encourage Suggestion Schemes until the Organisation and Methods Division published a report on the subject in November, 1946.

Departmental Whitley, too, is mostly concerned with Establishments work, although here and there organisation problems have been dealt with.

In the years between the wars, some Departments introduced Suggestions Committees. Such a scheme had long been in operation in the Post Office with highly satisfactory results. It may be

that the cash awards made by the Post Office helped a good deal. In the rest of the Service the Suggestions Committee idea met with indifferent success and in only eight Departments were moderately successful schemes operating in 1946.

It may be argued that this experience over a period of nearly 30 years proves that the bulk of Civil Servants are not interested in improving their own work processes. The same argument was used against the Joint Production Council in Industry. The successful Joint Production Council worked because a few enthusiastic people broke down initial resistance and made it work. The idea needs nursing; it needs careful development and, above all, it needs encouragement. The most enthusiastic workers' side of a Joint Production Council will dry up if none of its suggestions is adopted. Management sides will not bring matters to the Council if they are so unwelcome that only administrative action can enforce them.

Admittedly, a Civil Service Department is not a factory, but Joint Production Councils in Industry often dealt with office processes to the advantage of all concerned. The Civil Service has not the freedom to experiment which outside industry may have. It is bound by legislation and statutory rules. But it is also very much bound by its own precedents and internal instructions. Given the will to make it a success, a Joint Production Council in a Civil Service Department should be able to achieve better work with fewer staff. It might also succeed in obtaining public appreciation of its work.

II

At this stage the story can be told of what is in effect a successful Joint Production Council in the Civil Service. It operates in the Chief Inspector of Taxes Branch of the Inland Revenue. Its full and rather cumbersome title is

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The Organisation Advisory Sub-Committee of the Chief Inspector's Branch Whitley Committee of the Inland Revenue Departmental Whitley Council. In short it is the O.A.C.

Whitleyism in the Taxes Branch has always been a little different from the conventional pattern. Almost all Establishment matters are dealt with at Departmental level. The question of the supply of ink in powder form once appeared on a joint meeting agenda, but questions of this type and others relating to the design of forms or the precise meaning of official instructions do not justify a full formal meeting.

Over the years the Staff Side Secretary built up a number of informal contacts with specialists in the Headquarters office. These developed to the stage that, in early 1939, when all Departments were looking ahead to a war, the Staff Side Secretary collaborated with the Official Side in producing the 1939 "Relaxations" instructions. These were issued on 4th September, 1939, and covered a wide field of relaxed procedure, some of it to save manpower and some to meet expected contingencies. All these instructions have stood the test of time and most are still in operation.

The next event was evacuation. When the Headquarters of the Department was evacuated to Llandudno, the Staff Side Secretary was transferred to a local office in that area in order to maintain contact. That contact grew until it became customary for drafts of most instructional memoranda to be sent to the Staff Side Secretary for observations before they were issued.

When "Pay as you Earn" was thrust on the Department at short notice the Staff Side Secretary became an almost full time liaison officer and contacts were extended to other members of the Staff Side visiting Llandudno from time to time to aid in rapid consultation. These informal discussions were continued on the return of the Departmental Headquarters to London. But helpful as they had proved to be on both sides, the Staff Side felt that these contacts were made too late to be fully effective. To be shown the final proof of a new form

was not good enough, if other circumstances meant that little more than the alteration of "and" to "but" was possible. A draft instruction on procedure might be amended to make the instruction more easily understood, but it was too late to alter the procedure itself. At every opportunity the Staff Side pressed for a greater measure of consultation especially in the formative stages of procedure.

Meanwhile the "Pay as you Earn" machine was creaking and groaning in every joint. The Board of Inland Revenue appointed *ad hoc* Committees in each of the years 1945, 1946 and 1947 to review "Pay as you Earn" procedure or the state of work in the Chief Inspector's Branch. On the first occasion the Staff Side as such did not co-operate owing to a difference of opinion which is here irrelevant. In 1946 and in 1947 there was full Staff Side co-operation. Sub-Committees with power to co-opt on both sides did a great deal of useful work and evolved changes of procedure which saved many thousands of hours work.

The results achieved gave added weight to the Staff Side claim for regular consultation and eventually in the late summer of 1947 the Organisation Advisory Committee was set up. Just what it seeks to do and the measure of success attained can best be illustrated by quotations from the reports of the Sub-Committee to its parent body, the Chief Inspector's Branch Whitley Committee.

No apology is made for quoting form numbers and technical terms without explanation. The value of the reports does not depend on whether form 99 or 101 has been considered. They indicate how wide a field has been dealt with.

"Personnel"

The Official Side consists of a Deputy Chief Inspector, the Senior Principal Inspector in charge of Organisation, and two Inspectors Higher Grade from the Organisation Section. The Staff Side team is an Inspector Higher Grade, two Inspectors and a Tax Officer Higher Grade. Both sides have power to co-opt and substitute.

Activities

The activities of the Organisation Advisory Committee fall into three broad categories :—

(a) Review of sections of work needing detailed consideration extending over a series of meetings and not requiring completion by a given date in the near future.

(b) Consideration of matters where, although it is desirable that conclusions should be reached in the fairly near future, there is time for full consideration.

(c) *Ad hoc* consideration of matters of urgency where final views have to be expressed at the meeting at which the matter is brought up.

Naturally the majority of the matters discussed emanate from the Chief Inspector (Organisation), but a proportion have been raised by or through Staff Side members of the Organisation Advisory Committee (including provincial correspondents). Suggestions forwarded in the normal course by the Board's Suggestions Committee to the Chief Inspector's Branch Official Side and Staff Side members of that Committee (both of whom are also members of the Organisation Advisory Committee) receive consideration by the Organisation Advisory Committee if they cannot be summarily disposed of by the two Suggestions Committee members.

Flexibility

The variety of subjects to be discussed and the variation in the time available for discussion make it important that the Committee should be very flexible both as regards its method of consideration and its composition. As regards the latter, one of the main objects is to bring into contact Head Office specialists dealing with a particular subject and those on the Staff Side best fitted to give opinions on that subject, and either side is welcome to substitute experts in the place of members or bring them along in addition as the circumstances require. Under these arrangements the Chief Inspector (P.A.Y.E.) and

representatives of the Forms, Equipment, Post-War Credit etc., sections of C.I. (Organisation) normally attend meetings at which matters for which they are responsible are discussed.

Provincial Correspondents

One of the main objects of the O.A.C. is to bring suggested new procedure to the notice of the Staff Side earlier than in the past, thus enabling opinions to be obtained over a wider field of experience than hitherto. The members of the O.A.C. are unavoidably officers working in London and whose recent experience is mainly in or in connection with large London Districts. To counteract this it is important that, where practicable, opinions should be obtained from the provinces, and where there is plenty of time such opinions can be obtained by Staff Side members through their Association provincial consultants. But in addition the O.A.C. thought it desirable to co-opt regular "provincial correspondents" to whom particulars of the subjects to come under consideration could be circulated and from whom opinions could be obtained promptly. These provincial correspondents were selected partly by the Official Side and partly by the Staff Side to cover a wide variety of functional and regional interests.

Study Groups

As matters coming under heads (b) and (c) of the paragraph on Activities are found to take up the full time of the fortnightly meetings, it was decided to set up "Study Groups" composed only partly of members of the O.A.C. to consider subjects under head (a). The Study Groups are given clear directives as to the aspects of the work they should consider, and their conclusions are reported to and discussed by the O.A.C. Those so far set up deal with (i) Schedule D. Unit Assessing, (ii) "Pay as you Earn" equipment, . . .

Frequency of Meetings

The Committee has met regularly once a fortnight, and there have been meetings to consider special subjects (including Study Group meetings) in

the intervening weeks. In effect, there has been at least one meeting a week of the O.A.C. or one of its Study Groups.

Procedure

The O.A.C. is a "round table" Committee and its proceedings are informal. Except to the extent that Official Side members have necessarily to consult each other (e.g. in the production of "briefs") the O.A.C. meetings are not preceded by separate Staff Side and Official Side discussions; each member, therefore, speaks for himself and not on an Official Side or Staff Side "ticket," and there has been no tendency during the meetings for opinions to crystallise into opposing Official Side and Staff Side views. Where individual opinions have varied considerably at the outset of a discussion, they have almost invariably developed into a unanimous conclusion. The comments of provincial correspondents are as varied as the initial views of the O.A.C. members, and it is regretted that time does not permit of explanations being sent to them where their views are not finally accepted by the O.A.C.

Implementing Conclusions

The conclusions reached are taken into account by C.I. (Organisation), e.g., in framing instructions, Notes for Information, forms, etc., and it is not therefore necessary to make formal reports or normally to go into much detail in the Minutes. Where for any reason a line of action differing from that recommended by the O.A.C. is taken, the reason is explained at the next meeting, but there have so far been few instances and those mainly due to developments after the meeting.

Schedule D. Unit Assessing¹

The Schedule D. Unit Assessing Study Group has so far been given two major and two minor problems to consider. The major ones are (i) the method of making assessing entries in 1948-9, and (ii) the next Schedule D. Register. The minor problems are (iii) running repairs to the present Schedule D. Register, and (iv) the additional assessment control list.

Schedule D. Payments on Account.

Proposals for improving the arrangements for obtaining payments on account in large Schedule D. cases were considered, and substantial changes in a draft memo. were recommended, mainly at the instigation of the "provincial correspondent" representing the A.I.T. Professional Sub-Committee. The draft memo. as revised subsequently received detailed consideration by the Inspecting Officers and was ultimately issued as M.107R/1947.

P.A.Y.E. Equipment

A Study Group has been constituted to consider all matters related to "Pay as you Earn" equipment present and future. Owing to supply difficulties their activities are in the main limited to (a) an adequate supply of the existing temporary equipment, and (b) prototypes of future equipment. As regards the former the Study Group has given special attention to the supply of concord equipment and containers for Tax Deduction Cards. As regards prototypes, all members of the Study Group have now seen the experimental equipment now being used in certain London Districts and particular attention has been given to alternative methods of keeping linked and unlinked forms P45(1)²; this is regarded as the most urgent problem.

Most of the members of the Study Group visited the Business Efficiency Exhibition in October, and various experiments may be undertaken as a result of what was seen there.

Transfer of Tax Deduction Cards

Discussions originating in complaints that Districts were already, in mid-September, refreshing for the transfer of 1946-47 Tax Deduction Cards, led to the issue of M.101R/1947 emphasising in unequivocal terms the necessity for prompt transfer of T.D.C.'s under the P230, P230A, P231 and P232 procedure and discouraging the issue of refreshers before December.

An allied matter, that of missing Tax Deduction Cards which do not reach the assessing District in change

of employment cases, received attention, and careful consideration was given to six suggestions, all of which had superficial attractions. The final conclusion was that the present procedure if properly operated was to be preferred to any of them; during the discussions a number of minor ways in which the present procedure could be improved were brought to light, and these will be incorporated in instructions as from 5th April, 1948.

P.A.Y.E. Forms

A number of more important "Pay as you Earn" forms have been considered by the O.A.C. in connection with the annual review made by the Forms Section. Instances are form P70 (1947-48) and the P230 series for use from April 1948. During the course of one of these discussions, on 20th October, a suggestion made by a co-opted member of the C.I. (Forms) Section to the effect that Districts should be given the option of continuing 1946-47 forms P246 for 1947-48 received strong support from the O.A.C. A C.I. Memo. 103R/1947 was issued three days later as a result of which it was possible to reduce the order for these double foolscap cartridge paper covers by about a million copies.

Conclusion

The O.A.C. has now been functioning for four months and has during that time considered a very wide variety of matters; there is no sign of a diminution of its activities in the future. The extra burden thrown on the shoulders of the members, the provincial correspondents, and, in particular, the secretaries and assistant secretary, is considerable. However, we consider this burden worth while because we believe that by bringing the Staff Side representatives into consultation at an earlier stage and on a wider basis than previously and by promoting close contact between them and the officers at Head Office responsible for the matters discussed, the O.A.C. is performing a valuable service."

The second report of the O.A.C. in May 1948 brought the record up to date.³

It included an index of subjects dealt with, totalling 126 separate items plus matters relating to 44 different forms. The second report concluded with this paragraph:—

"Informality, absence of any Official Side *v.* Staff Side element, and general agreement on conclusions reached, continue to be features of the discussions. The work burden on all concerned has, if anything, increased but there is not much in arrear. In short, the O.A.C. seems firmly and successfully established."

III

A further development of the Joint Production Council idea in the Revenue has been the institution of Office Whitley Committees. Tax Offices number about 650; they employ 34,000 staff in units varying from 20 to 100 with a few above that size. In many of the smaller offices where staff relationships have been on a "Happy Family" basis there was perhaps little need for formal machinery. But in most of the bigger offices, they have proved their worth. In general they have dealt with matters entirely within the office. A summary of activities lists the following as amongst the more important subjects:—

Rota or allocation of staff for public counter duties.

Re-arrangement of furniture or equipment to reduce traffic.

Allocation of work to sections.

Training schemes for both temporary and established staff.

In addition there have been the usual host of small matters which can have a great effect on morale and therefore efficiency. These include such things as hours of attendance and lunch intervals; attendance registers; cloak-rooms; heating; ventilation.

Unusual items dealt with by some Committees include, Staff search for new office premises; living accommodation for transferees; visits to sick colleagues; approach to bus companies regarding transport.

The manpower crisis found the Revenue ready with the means to discuss and perhaps solve some of the problems.

Although Office Committees were instructed to devote their attention to manpower savings which could be implemented locally, many did in fact submit proposals which could only be applied by central direction. It will be appreciated that with 650 offices, all interdependent in very many ways, procedure affecting more than one office at a time must be standardised. As an example, there are something over 7,000,000 changes of employment each year and the taxpayer's papers have to follow each change. Clearly there can be only one method for such transfers. So many proposals for simplifying "Movement" work came up to Head Office from the Office Committees. These were referred to the O.A.C. for examination.

IV

Following the Organisation and Methods' report on Suggestion Committees, the Revenue Suggestion Committee reviewed its procedure and took advantage of the existence of the O.A.C. to speed up consideration of Taxes Branch suggestions. This Branch had always produced more suggestions than the remainder of the Department and there was in fact a Taxes Sub-Committee of the Suggestions Committee in existence. It consisted of one Official Side member of the Organisation Section and one Staff Side, the latter the Staff Side Secretary. Both were also members of the O.A.C.

The revised procedure is for all Taxes Suggestions to be referred to the Staff Side Secretary. He rejects all those which have been the subject of recent decisions or which clearly are hopeless. The balance go to the Official Side member. He may recommend a reasoned rejection, which needs agreement of the Staff Side representative. Failing that, or if the suggestion seems practicable, it finds its way on to the O.A.C. Agenda.

V

It will be seen that in this Branch every effort has been made to harness all the ideas of the whole staff towards the greater efficiency of the Department. It has been highly successful. Just how successful cannot be measured in man

hours or time factors or costs because the records necessary for such computations do not exist. But the Chief Inspector stated that he had received many messages of congratulation on the improved lay-out of instructional memoranda and the Staff Side Secretary has almost ceased to receive requests for interpretations. There has been a noticeable improvement in the state of work of the Branch. Clearly this is not solely due to the activities of the O.A.C., but there is no doubt that these have been contributory factors.

It seems appropriate therefore to conclude this article with some suggestions for the extension of the Joint Production Council idea into other Departments.

As was stated at the beginning, the success of this method of procedure depends very much indeed on the enthusiasm of the members of the Joint Production Council or Committee. As regards an Official Side, that enthusiasm must clearly also extend to those senior officers who will be called upon to implement decisions. The Staff Side too must be supported. No one expects that all the staff will agree with all the decisions all the time, but there should be sufficient confidence in the Staff Side members for them to feel that their agreement to proposals will not be damned out of hand because they appear in the form of official memoranda or instructions.

Although in the Revenue the Staff Side had been pressing for a long time for this kind of Committee, the actual setting up of it was approached informally. The Chief Inspector and the chief of the Organisation Section saw the Chairman and Secretary of the Staff Side and outlined their ideas. It was realised on the Staff Side that their team should be carefully chosen and it was possible to select men who had worked on one or more of the earlier State of Work Committees. Both sides had met each other on various occasions officially, informally, or on Committee and in varying degree knew something of each other. Above all, both sides were determined to make the scheme work.

The Staff Side were also fortunate in having available senior members of

District Office staffs who knew the practical side of all the work of the Branch. During the war years there has been a great deal of specialisation and relatively few people are in fact in touch with all sections. Perhaps too the circumstances of Whitleyism in the Chief Inspector's Branch have helped. With no "Establishment" work, the Staff Side has always tended to be more "technically" minded than is usually the case.

It may well be that in other Departments special efforts would need to be made to find the right kind of people to man the Staff Side. But given the right initial approach, it should not be impossible.

Another problem which may create difficulty is publicity. In a large Department it cannot be expected that news will spread by word of mouth. In the Revenue the existence of Departmental Associations, the Association of H.M. Inspectors of Taxes and the Inland Revenue Staff Federation, each with their own journals, has enabled the activities of the O.A.C. to be kept in the minds of the whole staff. When the paper situation improves the recommendation of the Assheton Committee in favour of House Journals may enable publicity to be given in Departments which have no alternative method.

The size of the unit covered by the Joint Production Council is clearly a matter for determination according to circumstances. In the Revenue, the

Chief Inspector's Branch is autonomous in most of its activities. Its 650 offices do the same work according to the same rules. So the Organisation Advisory Committee quite properly covers the work of the whole Branch. On the other hand, local offices have always been given the maximum possible authority to solve their own problems and thus the small Office Whitley Committee can find useful work to do.

It should not be necessary to say that the creation of a Joint Production Council in a Civil Service Department is no more a reflection on the ability of the Official Side than the similar bodies in Industry are a reflection on their managements. Indeed many of the most successful industrial concerns have very effective Councils. There are always occasions when the man at the bench knows better how a job can be done than the man right at the top. Quite trivial points can have important results. Even the lazy man seeking to save himself work may hit upon an idea which will save man-hours elsewhere. Staff in daily contact with the public at enquiry counters will know of the weaknesses in the lay-out of official forms long before anyone else.

There can be no doubt that a successful Joint Production Council, by whatever name it may be known, will add to the efficiency of the Branch or Department which operates it. The keynote to success is to make it a real joint body and to be enthusiastic about it.

¹ Schedule D deals with business and professional profits. Unit assessing refers to the four-fold carbon-backed set of forms in use for assessing purposes.

² P.45(1) is the form used by employers to notify the Tax District of an employee leaving. "Linking" relates to linking with forms P.45(3), the notification of starting in a new employment.

³ This article was one of the commended entries for the Haldane Essay Competition, 1948, under the title "The Case for Joint Production Councils in the Civil Service". The Organisation Advisory Committee still flourishes and almost all Branch instructions now go to the Committee for consideration before issue.

Summary of Reports of the Hoover Commission

Part I

INTRODUCTORY

The Commission on Organisation of the Executive Branch of the Government was created by an Act of Congress in July 1947. The members of the Commission were: Herbert Hoover, Chairman; Dean Acheson, Vice-Chairman; Arthur S. Flemming; James Forrestal; George H. Mead; George D. Aiken; Joseph P. Kennedy; John L. McClellan; James K. Pollock; Clarence J. Brown; Carter Manasco; James H. Rowe, Jr.

In a covering letter to their reports the Commission point out:

"As a result of depression, war, new needs for defense, and our greater responsibilities in the foreign field, the Federal Government has become the most gigantic business on earth. In less than 20 years the number of its civil employees has risen from 570,000 to over 2,100,000. The number of bureaus, sections, services, and units has increased fourfold to over 1,800. Annual expenditures have increased from about \$3,600,000,000 to over \$42,000,000,000. The national debt per average family has increased from about \$500 to about \$7,500. Such rapid growth could not take place without causing serious problems. Organisational methods, effective 20 years ago, are no longer applicable. The growth of skills and methods in private organisation has long since out-moded many of the methods of the Government.

This Commission has found that the United States is paying heavily for a lack of order, a lack of clear lines of authority and responsibility, and a lack of effective organisation in the Executive Branch. It has found that great improvements can be made in the effectiveness with which the Government can serve the people if its organisation and administration is overhauled."

The list of the Commission's reports with related task force reports as Appendices is as follows:

Commission Reports	Appendices (Task Force Reports)
General Management of the Executive Branch.	E. Departmental Management.
Budgeting; Office of the Budget; Accounting and Government Statistical Activities.	F. Fiscal, Budgeting and Accounting Activities. D. Statistical Agencies.
Office of General Services.	B. The Federal Supply System.
The Organisation and Management of Federal Supply Activities.	C. Records Management.
Personnel Management.	A. Federal Personnel.
Foreign Affairs.	H. Foreign Affairs.
National Security Organisation.	G. The National Security Organisation.
Treasury Department.	F. Fiscal, Budgeting and Accounting Activities.
Department of Agriculture.	M. Agriculture Activities.
Post Office.	I. The Post Office.
Department of Commerce.	N. Regulatory Commissions
Department of the Interior.	L. Natural Resources. K. Water Resources Projects Q. Public Works. O. Medical Services.
Medical Services.	
Veterans Affairs.	
Public Welfare Activities.	P. Public Welfare Activities.
Regulatory Agencies.	N. Regulatory Commissions.
Business Enterprises of the Government.	J. Revolving Funds and Business Enterprises of the Government.

These reports can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, 25, D.C.

SUMMARY OF MAIN RECOMMENDATIONS

The following summary covers the Reports of the Commission but not those of the task forces except in so far as the recommendations of a task force are incorporated in a main report. The Editor has drawn heavily on the excellent summary compiled by Elmer Wohl, of Public Administration Clearing House, published in the Spring 1949, issue of *Public Administration Review* (Chicago). He is greatly indebted to the Editor of that Review for permission to use that summary. Although some sentences are taken out of order, the sentences used in the summary are all quotations from the reports. Minor deletions are indicated by dots. Brackets enclose words supplied by the compiler.

GENERAL MANAGEMENT OF THE EXECUTIVE BRANCH

Findings

The executive branch is not organised into a workable number of major departments and agencies which the President can effectively direct, but is cut up into a large number of agencies, which divide responsibility and which are too great in number for effective direction from the top.

The line of command and supervision from the President down through his department heads to every employee, and the line of responsibility from each employee of the executive branch up to the President, has been weakened, or actually broken, in many places and in many ways.

The President and the heads of departments lack the tools to frame programmes and policies and to supervise their execution.

The Federal Government has not taken aggressive steps to build a corps of administrators of the highest level of ability with an interest in the programme of the Government as a whole.

Many of the statutes and regulations that control the administrative practices and procedures of the Government are unduly detailed and rigid.

Likewise, the budgetary processes of the Government need improvement, in order to express the objectives of the Government in terms of the work to be done rather than mere classifications of expenditures.

The accounting methods in the executive branch require standardisation and simplification and accounting activities require decentralisation if they are to become effective tools of management and if great expense and waste are to be eliminated.

General administrative services for various operating agencies—such as purchasing of supplies, maintenance of records, and the operation of public buildings—are poorly organised or co-ordinated.

Any systematic effort to improve the organisation and administration of the Government, therefore, must:

1. Create a more orderly grouping of the functions of Government into major departments and agencies under the President.

2. Establish a clear line of control from the President to these department and agency heads and from them to their subordinates with correlative responsibility from these officials to the President, cutting through the barriers which have in many cases made bureaus and agencies partially independent of the Chief Executive.

3. Give the President and each department head strong staff services which should exist only to make executive work more effective, and which the President or department head should be free to organise at his discretion.

4. Develop a much greater number of capable administrators in the public service, and prepare them for promotion to any bureau or department in the Government where their services may be most effectively used.

5. Enforce the accountability of administrators by a much broader pattern of controls, so that the statutes and regulations which govern administrative practices will encourage, rather than destroy, initiative and enterprise.

6. Permit the operating departments and agencies to administer for themselves a larger share of the routine administrative services, under strict supervision and in conformity with high standards.

Only by taking these steps can the operations of the executive branch be managed effectively, responsibly, and economically.

THE EXECUTIVE OFFICE OF THE PRESIDENT

The Presidential Staff

The historical development of aid to the President has not been exclusively through the expansion of departmental and agency assistance, but also through increases in his personal staff. However, until well into this century, the President's personal staff consisted of his

secretary and an executive clerk, with assistants to take care of visitors and correspondence. The President relied wholly upon the departments for general staff assistance.

The need of information for the solution of broad problems and the determination of government-wide policies has gradually forced the development of better staff services for the President. The acute need for more adequate staff assistance during the Twenties was evidenced by the constant assignment of staff personnel from the departments to the White House and an increase in the use of committees, commissions, and conferences to develop facts and policies for the President.

The first real step in systematic aid to the President resulted from the enactment of the Budget and Accounting Act of 1921. Although the Bureau of the Budget was placed in the Treasury Department, the Director of the Budget became at once the President's immediate advisor in dealing with Government expenditures as a whole. Soon legislative reference work was undertaken, and some years later duties were assigned to this bureau for the study of management problems.

In 1928 the number of secretaries to the President was increased to three, and the White House work was departmentalized into correspondence, reception of visitors, economic research, legislative matters, and Press relations. At this time, the purely social duties of the President's chief military and naval aides were changed by the Secretaries of War and the Navy through appointment of distinguished officers to the White House to aid the President on defense questions.

In 1939 the Bureau of the Budget was transferred from the Treasury Department to the Executive Office of the President, and its services were expanded to relieve the President further.

The Present Staff

The President's personal staff now comprises three secretaries; an assistant to the President; six administrative assistants; a special counsel to the

President; the executive clerk; and Army, Navy and Air Force aides.

It has been traditional that the executive clerk and his aides should be career positions so that there might be continuity of White House procedure through successive administrations. The same has generally applied to the important employees in the White House residence.

At the present time, the President's immediate executive staff (aside from the heads of departments and agencies) consists of:

- (a) The White House Office.
- (b) The Bureau of the Budget.¹
- (c) The Council of Economic Advisors.
- (d) The National Security Council.
- (e) The National Security Resources Board.

The Commission recommends the following additions to the Executive Office:

An Office of Personnel, headed by a director who should also be chairman of the Civil Service Commission.

A staff secretary in the White House Office.

The Commission also recommends certain further expansion in the work of the Bureau of the Budget.

[This recommendation is amplified later by the two following recommendations.]

An Office of Personnel should be established in the President's Office under the direction of the Chairman of the Civil Service Commission in order to provide the President with continuous staff advice and assistance relative to matters affecting the career civilian service of the Federal Government.

The President should be given funds to provide a staff secretary, in addition to his present principal Secretaries, to assist him by clearing information on the major problems on which staff work is being done within the President's Office, or by Cabinet or inter-departmental committees.

[See also in the Report on the Department of the Interior a proposal

for the establishment in the President's Office of a Board of Impartial Analysis.]

The purpose of the staff services in the President's Office is not to assume operating functions or to duplicate responsibilities of the operating departments. Statutory authority over the operating departments should not be vested in any staff members or staff agency of the President's Office.

The head of each staff agency in the President's Office should be appointed by the President without confirmation by the Senate except the Civil Service Commission. The President should not be prevented by statute from reorganising the President's Office and from transferring functions and personnel from one part of it to another.

Since 1921² the Office (Bureau) of the Budget has developed into the President's largest and most important staff agency. It is a misconception to think of . . . [the Office of the Budget] merely as an agency for the collection and compilation of estimates in the annual preparation of the budget document . . . It is the President's main reliance as an instrumentality for the improvement of management and the attainment of economy and efficiency throughout the executive branch. . . . Our purpose is not only to perfect the work of the Office of the Budget in budgetary operations as such, but to strengthen it as the managerial arm of the President.

It is for this reason that we have not adopted the recommendation of our task force on fiscal, budgeting, and accounting activities that the Office of the Budget should be transferred back to the Treasury Department.

The Commission recommends that the Council of Economic Advisers be replaced by an Office of the Economic Adviser and that it have a single head. The Council of Economic Advisers was established as a part of the President's Office by the Employment Act of 1946. It is a council of three members appointed by the President subject to the advice and consent of the Senate.

Just as the budget is the responsibility of the President and not of the office of the Budget, the annual economic report

is the report of the President, not of the Council. Like the Office of the Budget, the Council should advise the President as a professional staff agency and should not take public leadership on issues of policy in its own right.

To put a full-time board at the head of a staff agency is to run the risk of inviting public disagreement among its members and of transplanting within the President's Office the disagreements on policy issues that grow up in the executive departments or in the Congress. It also makes co-operation with related staff agencies more difficult.

Cabinet Committees

The members of the Cabinet are the primary advisers to the President. He is free to select them to decide the subjects on which he wishes advice, and to follow their advice or not as he sees fit.

The Cabinet as a body, however, is not an effective council of advisers to the President and it does not have a collective responsibility for Administration policies. That responsibility rests upon the President. The Cabinet members, being chosen to direct great specialised operating departments, are not all fitted to advise him on every subject.

For many years Presidents have assigned problems involving more than one department to committees of the Cabinet whose experience bears on particular problems. In crucial areas in the conduct of national affairs, where Presidential consideration or decision is required, the creation of Cabinet committees is desirable to advise the President on both the foreign and domestic aspects of the important problems. Sound high-level foreign policies, for instance, can only be formed by placing side by side for comparison a financial outlook, a natural resources outlook, a transportation outlook, a manpower outlook, and a security outlook.

These Cabinet committees should be established by, and function directly under, the President. They should not be part of the Cabinet. Creation of specific committees by statute should be avoided because the resulting framework is too rigid, and, in any event, the

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President should not be directed to receive advice from designated sources.

The membership and assignment of any Cabinet committee set up to advise the President on important policy issues should be determined by the President. The inflexible composition of these Cabinet-level committees set up by statute³ should be revised so as to afford a flexible framework within which the President can determine their membership and assignments. The National Security Council and the National Security Resources Board, with their respective staffs, should be made, formally as well as in practice, a part of the President's Office.

Interdepartmental committees [below Cabinet level] are helpful in co-ordinating the programmes of departments and agencies. There should be an inventory of interdepartmental committees by the President's Office at least once a year and those whose work is complete should be terminated.

The President should be given adequate funds to make it possible for him to use advisory commissions and to employ consultants or personal advisers from time to time.

Departmental Management

At the present time there are 65 departments, administrations, agencies, boards, and commissions engaged in executive work, all of which report directly to the President—if they report to anyone. This number does not include the "independent" regulatory agencies in their quasi-judicial or quasi-legislative functions. It is manifestly impossible for the President to give adequate supervision to so many agencies. Even one hour a week devoted to each of them would require a 65-hour work week for the President, to say nothing of the time he must devote to his great duties in developing and directing major policies as his constitutional obligations require.

The numerous agencies of the executive branch must be grouped into departments as nearly as possible by major purposes in order to give a coherent mission to each Department. . . we recommend that these various agencies

be consolidated into about one-third of the present number.

We recommend that the department head should be given authority to determine the organisation within his department. He should be given authority to assign funds appropriated by the Congress for a given purpose to that agency in his department which he believes can best effect the will of Congress.

We recommend that, to lay the foundations of authority and discipline, the staff officials and, as a rule, bureau chiefs should be appointed by the department heads, and that proper consideration be given to the promotion of career employees.

Within each department, the subsidiary bureaus should also be grouped as nearly as possible according to major purposes.

Under the President, the heads of departments must hold full responsibility for the conduct of their departments. There must be a clear line of authority reaching down through every step of the organisation and no subordinate should have authority independent from that of his superior.

There must be more decentralisation into the operating agencies of such services as accounting, budgeting, recruiting and managing of personnel, under common standards and supervision established for the entire executive branch.

Department heads must have adequate staff assistance if they are to achieve efficiency and economy in departmental operations.

Internal Organisation

[The Commission thought that each department head should determine the organisation of his department and be free to amend it. In general, they recommended that] the following top executive staff which now exists in many departments should be preserved and extended to all major agencies.

(a) A cabinet officer or administrator as the head of the agency with his personal staff.

(b) An under secretary (or equivalent official) who shall assume the

duties of the departmental head in his absence and who can undertake general supervision of the department.

(c) Such number of assistant secretaries (or equivalent officials) as may be necessary with functions assigned by the head of the department.

(d) These officials, being of policy rank, should be appointed by the President and confirmed by the Senate.

In addition there should generally be an administrative assistant secretary who might be appointed solely for administrative duties of a housekeeping and management nature and who would give continuity in top management. They and certain other officials, as in the Treasury Department, where length of tenure makes appointment from the career service preferable should be appointed from that service.

In addition to the under secretary and assistant secretaries referred to above, we recommend that the heads of all of the major executive agencies should be equipped, as some now are, with such staff assistants as :

- (a) General Counsel.
- (b) Financial Officer (accounting, budgeting, and disbursements).
- (c) Personnel Officer.
- (d) Supply Officer.
- (e) Management Research Officer.
- (f) Information and Publications Officer.
- (g) Congressional Liaison Officer.

We wish to emphasise especially the importance of staff members assigned to management research and review. The enormous operations of the executive agencies require constant re-examination.

These staff assistants, like those to the President, should not be assigned operating duties. Such duties must lie with the bureau or service directors.

The duties of these officers are indicated by their titles. It is necessary for department heads to make appropriate arrangements for constant review of department policies and programmes. These responsibilities must be performed by senior departmental officials.

Federal Field Services

It should always be remembered that the purpose of any democratic government is to serve the people and that the personnel in Federal field offices are the Government's instrument in its dealings with the citizens.

Nearly 90 per cent. of all Federal employees work outside of Washington. There must be some official in the Government responsible for constant study and simplification and co-ordination of departmental work in the field.

Among [the] findings [of the task forces] there are listed the following deficiencies :

(a) Too many separately organised, highly specialised field offices representing individual departments, their bureaus, and even different units of one bureau.

(b) The ineffectiveness of field offices in dealing with operating problems because headquarters fail to delegate authority.

(c) Confused lines of direction and supervision between specialised headquarters units and the field.

(d) Inadequate systems of reporting and inspection which prevent administrative officials from knowing how effectively and efficiently their field organisation is performing.

(e) Lack of co-ordination of effort among the various Federal field offices, both within the same agency and between different agencies.

(f) Failure to make the most of potential co-operation from State and local governments and private organisations.

Administrative regions and regional headquarters should be more nearly comparable geographically.

Greater utilisation should be made of pooled centralised administrative services.

Reporting and inspection practices should be strengthened.

Field relationships with State and local officials should be standardised.

The responsibility now vested in the Public Buildings Administration for

providing certain types of space necessary to meet the field requirements of Federal agencies should be expanded.

Manuals of instructions now in use should be revised and simplified and their self-defeating degree of detail eliminated.

Standard Nomenclature

The Commission recommends that the internal operating organization of each department should follow a standard nomenclature as follows:

Service	Branch
Bureau	Section
Division	Unit

In general the principal operating unit of a department should be labelled a bureau.

PERSONNEL MANAGEMENT ⁴

What is Wrong with the Career Civil Service

Centralization

1. Centralization of personnel transactions in the Civil Service Commission and in the central personnel offices of the departments and agencies has resulted in unjustifiable delays and stands in the way of a satisfactory handling of the Government's personnel problems.

Recruiting and Examining

2. Machinery for recruiting is not adapted to the variety and numbers of workers required. It has proved to be too slow and cumbersome. As a result, there have been far too many temporary employees in jobs pending the establishment of regular civil-service lists.

3. The Government too often fails to get the right man for the job or the right job for the man.

4. Not enough time and effort are being spent on recruiting our best young men and women for junior professional, scientific, technical, and administrative posts.

Rates of Pay

5. A comprehensive pay administration policy for the entire executive branch is long overdue. The four policies now in force lead to situations where pay varies not only from agency

to agency but also within agencies. Furthermore, the fact that until recent years the Civil Service Commission has not developed standards for classifying jobs under the Classification Act of 1923, and, in some instances, the complexity of present standards, have at times resulted in an unsatisfactory handling of salaries for workers in the "white collar" class.

6. Too many supervisors believe that action to reduce the number of persons in their units will result in their salaries being reduced, while increases in the number of persons in their units will lead to their salaries being increased. This makes supervisors believe that they will be rewarded for inefficiency, and encourages "empire building."

7. Salary ceilings for professional, scientific, technical and administrative personnel are so low that many of the best men and women in these fields are forced to leave the Government service for private enterprise. Pay raises in recent years have not been proportional. The lowest pay grades have been increased between 43 and 56 per cent.; the highest grade has been increased only 15 per cent.

Obstacles to Career Service

8. Departments and agencies have failed to develop adequate programmes for promoting career employees from one level of responsibility to the next.

9. Inadequate opportunities are provided employees for the presentation of suggestions designed to improve the Government's practices and procedures in the personnel field.

10. The efficiency rating system is too complicated and the legal requirements that the system be used as a basis for both rewards and penalties stand in the way of its contributing to sound supervisor-employee relationships.

11. Reduction-in-force regulations do not retain the best qualified persons when it becomes necessary for the Government to reduce the number of persons on the pay roll.

12. In view of the relative security offered by Government employment, the recruitment of 500,000 persons a year

to fill vacancies caused by turn-over is an indication of the existence of low morale, due, in part, to poor supervisory practices.

13. The separation (dismissal) of inefficient and unnecessary employees has been surrounded with so much red tape as to inhibit action.

14. There is little desire upon the part of some of the best talent in the country to enter civil service as a career.

Other Weaknesses

15. Personnel offices in many instances are overstaffed. A recent survey of major agencies employing 1,800,000 showed that in those agencies there are now over 23,000 employees in personnel offices earning a total of \$76,000,000 a year—one personnel worker for every 78 employees. We have found that, in some instances, there is one personnel worker for every 38 employees.

16. The Civil Service Commission is not organised to handle personnel problems as quickly as they should be, nor to render effective over-all leadership in the personnel field.

Reorganisation of the Civil Service Commission

The Civil Service Commission should be reorganised to vest in its chairman the responsibility for the administrative direction of its work [see previous recommendation that the Chairman should serve in the Office of the President].

The Civil Service Commission should place primary emphasis on staff functions, rather than upon processing a multitude of personnel transactions. The Commission's responsibility should be to furnish leadership for personnel administration in the Government by (i) setting standards for the handling of personnel programmes by the agencies, (ii) post-auditing personnel programmes to determine that there has been adherence to standards, (iii) applying appropriate sanctions whenever there has not been adherence to standards, and (iv) considering appeals from the public or employees which are filed with it in accordance with pertinent laws and executive orders.

Recruiting and Examining

Primary responsibility for recruiting and examining Federal employees should be placed on the departments and agencies. Appointing officers should be given more leeway than the present "rule of three"⁵ permits in the selection of personnel from among qualified applicants. A plan designed to implement the above recommendation should be worked out by an unpaid commission appointed by the President.

The President, by Executive order, should require all major departments and agencies to conduct vigorous recruiting programmes for, and to examine and make final appointments to:

(a) All high-level administrative, professional, and technical positions.

(b) All positions peculiar to the agency.

(c) Any other classes of positions which, in the judgment of the Civil Service Commission, can be filled more effectively by the agencies.

A Nation-wide recruiting system to place veterans in Federal positions should be operated through selected Government agencies for the next three or four years in principal communities.

Departments and agencies should be required, consistent with funds available for such purposes, to recruit each year a specified number of young men and women for junior professional, scientific, technical, and administrative posts.

All applicants for civil service posts should be grouped into categories such as "outstanding," "well qualified," "qualified," and "unqualified." Within each quality category . . . veterans should be considered ahead of non-veterans.

Rates of Pay

In view of the fact that pay in the lowest grades has been increased between 43 and 56 per cent., while pay in the highest grade has been increased only 15 per cent. immediate consideration should be given to providing adequate salaries for top civil service

employees with exceptional professional, scientific, technical, and administrative qualifications.

Congress should enact a comprehensive pay administration policy applicable to the entire executive branch and incorporate in the policy the principles indicated in the following recommendations.

The Congress should be the source of the authority for all matters of Federal pay administration but should, in the interest of expeditious and efficient handling, limit its participation to establishing the minimum and maximum rates of payment within which all general adjustments in Federal compensation are to be made. Authority for all other phases of pay administration should be delegated to the executive branch. In granting authority to the executive branch, the Congress should make it possible for the President to issue and enforce rules which will reward administrators and supervisors for actions which reduce the number of persons on the Federal pay roll.

Rates of compensation for postal, clerical, subprofessional, and "blue collar" jobs should be fixed and adjusted in relation to prevailing locality, area, or industry pay differentials. For all other employees whose rates of pay are fixed on a Nation-wide basis, the President should be authorized to direct the Civil Service Commission to review annually the Federal compensation levels and to make appropriate recommendations within the salary floor and the salary ceiling set by the Congress.

The Civil Service Commission, as the central personnel agency, should, subject to the approval of the President, have responsibility for (a) the establishment of individual pay scales, including raises within grades for seniority and meritorious performance, and (b) fixing the standards which should govern the administration of the job evaluation plans in all departments and agencies.

Authority to evaluate jobs for pay purposes should be delegated to the departments and agencies under standards established and enforced by the Commission.

However, the actual administration of these plans should be delegated to the heads of departments and agencies, subject to a post-audit to determine that there has been adherence to the standards.

Development of a Career Service

Congress should raise the present salary ceiling of \$10,330 for career employees. At the same time, it should increase legislative, judicial, and executive salaries at the level of assistant secretary, or its equivalent, and above. Congress should make it possible for the executive branch to provide for the training of its most promising career employees.

The President and the Congress should place the Civil Service Commission in a position where it can spend more of its time and resources on developing a programme to facilitate transfer of competent career personnel—particularly in the technical, scientific, and executive areas—from one agency to another.

The President should direct the departments and agencies to work out practical programmes designed to facilitate the promotion of career employees, and the Civil Service Commission should enforce the President's directive. The Civil Service Commission should be required to identify the jobs which could be appropriately classified as administrative. Young men and women entering junior administrative posts thus will have a clear understanding of the opportunities for promotion . . .

Provision for Improving Efficiency and for Participation of Supervisors and Employees in Personnel Management

Problems

1. The Government has lagged behind American industry in improving employer-employee relations.

2. Federal employees, while given some degree of protection against abuse, discrimination, and unjust treatment, are not provided a positive opportunity to participate in the formulation of policies and practices which affect their welfare.

3. Our Personnel Policy Committee has concluded that the present efficiency-rating procedures in the Federal Government have the effect of undermining supervisor-employee relationships.

It bases its conclusions on the fact that the system, in certain circumstances, makes mandatory either a public reward or a public penalty; that the supervisor's determination is subject to challenge and revision at three higher levels; that the efficiency rating process is based upon contradictory and invalidated assumptions; and that the system is not used to the extent that it should be as an aid in the development of the employee and for the purposes of measuring the employee's potential usefulness to the organisation.

We concur in this analysis of the present situation.

4. The present reduction-in-force regulations require complex and cumbersome methods . . . for example, in connection with the reduction of one agency from 7,500 to 5,000 a personnel office spent 14 man-years in processing the reduction at an estimated cost of \$50,000.

5. This Commission believes that the failure to take prompt and vigorous action to remove inefficient employees or deadwood from the Government service is a source of discouragement and despair to the great majority of able and efficient public servants.

Red tape without end has accumulated in the separation [dismissal] of such employees from the Government.

One reason for its existence is the part which efficiency ratings play in the dismissal process. When an employee receives an efficiency rating of "unsatisfactory" and his discharge is proposed, he often has three appeals: first, to the personnel office; second, to a representative of the head of the agency; and third, to an independent board of review, the chairman of which is provided by the Civil Service Commission. Supervising officials are compelled to produce a documented bill of particulars at great trouble and loss of time. In consequence, there are very few ratings less than "fair," and there is a resulting

general apathy in connection with weeding out the inefficient. In two agencies examined, fewer than 3 in 1,000 employees were marked "unsatisfactory" over a year. Examination of 25 discharges in three agencies showed the time required to process the actions averaged 7 months.

The President should require the heads of departments and agencies to provide for employee participation in the formulation and improvement of Federal personnel policies and practices. One possible method would be to establish within each agency a council composed of both supervisor and employee representatives.

The efficiency rating system should be simplified and should be used solely to develop a better understanding between supervisors and employees. The present efficiency rating system should be replaced by "ability and service record" ratings which would incorporate the following principles: (i) The supervisor would be required to evaluate, at least annually, each employee's ability, past performance, progress, and potential usefulness to the organisation on specific factors, indicating for each factor whether the employee is superior, satisfactory, or weak; (ii) Upon completion of the evaluation, the supervisor would be required to have a personal conference with each employee.

Employees should receive periodic salary increases within their job-grade only when the supervisor will certify, at the time the increase is due, that the employee's performance and conduct warrant the increase.

The President should direct the heads of all departments and agencies to put into effect a simple, clear cut, and intelligent procedure for discharge of incompetent employees.

Congress should amend the law dealing with reductions in force to permit regulations to insure the retention in the Federal service of men and women who are best qualified to perform the duties of their jobs, irrespective of other considerations.

With respect to the problem of securing a more realistic ranking of

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employees for retention purposes, it is felt that such ranking should be approached from the point of view of "which employees should be retained" rather than which should be eliminated. In effect, the organisation which will result from the reduction-in-force should be conceived as a new, unstaffed organisation and all present employees considered as qualified applicants with re-employment rights.

Career employees who are laid off as a result of reduction in force should be given special consideration for other Federal jobs. They should be referred to the Civil Service Commission for a determination as to where their services can be used most effectively. Until such time as they are placed in a new job, or for a period not to exceed three months, they should be entitled to draw the same compensation they were drawing at the time the reduction in force took place.

Revision of Personnel Organisations

Agency heads should be directed by the President to make sure that their personnel offices place primary emphasis on advising operating officials, and that most personnel activities are carried on by operating officials. Heads of all departments and agencies should be required to have on their top management staffs a director of personnel. Heads of departments and agencies should recognise, to an even greater extent than in the past, the importance of enabling their personnel directors to advise on personnel matters whenever top management policies are being developed.

The Civil Service Commission should be given the responsibility for developing a pattern of personnel office operation which will give each head of an agency a clear picture of whether his personnel office or offices are now overstaffed.

BUDGETING AND ACCOUNTING

Reform of the Budget

The Federal budget is an inadequate document, poorly organised and improperly designed to serve its major purpose, which is to present an understandable and workable financial plan for the expenditures of the Government.

The document has grown larger and larger each year as the Government's requirements have increased, but its general framework and method of presentation have not changed. The latest budget document, that for 1949-50, contains 1,625 closely-printed pages, with about 1,500,000 words, and sums covering thousands of specific appropriations. . . . the whole budgetary concept of the Federal Government should be re-fashioned by the adoption of a budget based upon functions, activities, and projects: this we designate as a "performance budget."

Under performance budgeting, attention is centred on the function or activity—on the accomplishment of the purpose—instead of on lists of employees or authorisations of purchases. In reality, this method of budgeting concentrates congressional action and executive direction on the scope and magnitude of the different Federal activities. It places both accomplishment and cost in a clear light before the Congress and the public.

The Bureau of Ships in the Navy Department, for example, is financed by 27 appropriations, many of which, as shown in the budget, have no apparent connection with the Bureau. Efforts have been made to resolve this confusion through the working out of an adequate budget structure. The ideas thus developed have been applied in part to the new Air Force estimates as set forth in the budget in 1949-50.

Executive and legislative review of functional estimates and programme justifications under the performance budget should centre around two basic questions:

First—What is the desirable magnitude of any major Government programme or function in terms of need, relation to other programmes, and proportion of total governmental expenditures? This is essentially a question of public policy, and must be answered by the responsible officials of the executive branch and eventually by the Congress.

Second—How efficiently and economically can an approved Government programme be executed? In other

words, can the same amount of work be performed satisfactorily under different arrangements or through improved procedures at less cost?

The performance budget would enable administrators to place responsibility upon subordinate officials for the clear execution of the provisions made by the Congress. It would also simplify the reporting and accounting system.

In some areas of the budget there are entirely too many appropriation items; in others, perhaps, too few. Some appropriation items are exceedingly broad in scope; others are narrow on account of excessive itemisation. Appropriations for a particular function appear in different places. In spite of recent simplifications, the language of some appropriation items remains a jungle of detailed provisions.

We recommend to the Congress that a complete survey of the appropriation structure should be undertaken without delay. There is, at present, constant confusion in Federal budgeting and accounting because current expenditures and capital outlays are intermingled. These two types of expenditures are essentially different in character, and should, therefore, be shown separately under each major function or activity in the budget. This is an important feature of performance budgeting. We recommend that the budget estimates of all operating departments and agencies of the Government should be divided into two primary categories—current operating expenditures and capital outlays.

The use of this type budgeting has been demonstrated by the budgeting of Government corporations under the Government Corporation Control Act of 1945.

Office of the Budget

In its first report the Commission on Organisation of the Executive Branch of the Government spoke of the essential role of the Office of the Budget as a staff agency to the President. Through this office the President exercises his authority over the preparation of appropriation requests and over the execution of expenditure programmes. Through this office, also, he develops improvements in

the management of the executive branch as a whole, receives advice upon reorganisation of administrative practices, analyses the legislative requests of departments, and obtains co-ordination of certain activities such as statistics.

The Office of the Budget can be the greatest instrumentality of the President for achieving continuous results in improved administrative efficiency. The Budget Office's main job—the nucleus of all its work—is to review and revise the departmental estimates. This is primarily the work of the Estimates Division of the Office. It gives the Office the opportunity to examine every programme of the executive branch. Therefore, the Commission recommends that the review and revision by the Estimates Division of the Office of the Budget be done from the first to the final stages in conjunction with representatives of the Administrative Management and Fiscal Divisions. The Commission recommends the development of much closer relations between the constituent divisions of the Office of the Budget and with such agencies as the President's personal staff, the Treasury Department, the Economic Adviser, and the National Security Resources Board.

In dealing with the budgets of the executive departments and agencies, the Office of the Budget should place much greater emphasis on the developing of policies and standards to govern the preparation of estimates, and on the development of adequate budget work in the departments themselves, and comparatively less on the review by its own staff of the details of departmental estimates. A programme or performance budget should be the goal. Further emphasis should be placed on the management research function, particularly as it affects the field services.

*Publications*⁶

There is need for stronger co-ordination of the publications of the executive branch. The Commission recommends that the President be given the means and authority to supervise all publications of the executive branch and that he delegate this authority to a responsible official in the Office of the Budget.

Co-ordination of Statistical Services⁶

The Commission . . . recommends that authority be given to the President to effect improvements in statistical activities and that such authority be delegated to the Director of the Division of Statistical Services in the Office of the Budget. Thus responsibility for reforms would be definitely located.

REORGANISATION OF ACCOUNTING
IN THE GOVERNMENT⁷

The financial operations of the Government must be controlled even more rigorously than those of private business. Maintenance of financial integrity affects the confidence of the Nation in itself and the moral standards of all the people. A failure of such integrity in private business affects the pocket-books and slackens the morals of a few, but its failure in public business affects the morals of all.

Policies and methods in the handling of governmental funds must be clearly defined and responsibilities firmly fixed.

Nevertheless, the complicated checks and balances employed make for unnecessary inefficiency in every activity, and one of the very first steps toward economy in governmental operations lies in improving the accounting system.

Over the past several years private business has developed a number of new accounting methods and devices, many of which should be adapted to governmental operations.

Accounting objectives

Governmental accounting must serve several purposes. It is an indispensable tool in the day-to-day management of the administrative affairs of the Government. It reveals the status of appropriations, the extent that revenue estimates are realised, the progress of actual expenditures and collections, and comparative operating and other costs. It provides the basis for the summary financial reports which the executive branch sends to the Congress and which are printed for public information. Last but not least, accounting provides for the fixing of responsibility in the handling and use of Government funds, thus

enabling a check of administrative competence and fidelity to be made by a representative of the legislative branch, the Comptroller-General.

The accounting system of the Government, as it now exists, consists of two general types of accounts—fiscal accounts and administrative accounts. The fiscal accounts are the over-all or general accounts which are kept mainly in the Treasury Department. These accounts comprehend the fiscal operations relating to revenues, custody of funds, disbursements, public debt, and currency. The authority of the Comptroller-General is . . . , by law, limited to prescribing administrative accounts. He does not now have any authority over fiscal or other accounts. All these systems of accounts should be prescribed by the same authority in order to have an integrated system.

Therefore, the Commission recommends that :

(a) An Accountant-General be established under the Secretary of the Treasury with authority to prescribe general accounting methods and enforce procedures. These methods and procedures should be subject to the approval of the Comptroller-General within the powers now conferred upon him by the Congress.

(b) The Accountant-General should, on a report basis, combine agency accounts into the summary accounts of the Government and produce financial reports for the information of the Chief Executive, the Congress, and the public.

. . . the practice of sending millions of expenditure vouchers and supporting papers to Washington be stopped as far as possible [and] . . . a spot sampling process at various places where the expenditure vouchers and papers are administratively checked might be substituted for much of the present procedure of bringing all these documents to Washington.

We further recommend that the Congress continue its study of the whole question of fidelity insurance for the accountable officers of the Government in order to arrive at a simpler and less expensive procedure.

Our task force on accounting recommends that the accrual basis of accounting should be applied to both revenues and expenditures. It recommends simplification or elimination of the present warrant system. It proposes uniform departmental practices, procedures, nomenclature, better inventory and public debt accounting. . . .

GOVERNMENT STATISTICAL ACTIVITIES⁶

Americans are a fact-minded people. They want to know the magnitude of every facet of national life. They want to measure everything in which they are interested. Historically, statistical information was one of the first services the Federal Government was called upon to provide. The Constitution itself directed a census to be taken every ten years. Various acts of Congress thereafter set up agencies to collect and disseminate statistics on agriculture, commerce, labour, and many other activities. There are about 10,500 full-time employees in the Federal Government engaged in statistical activities outside the National Military Establishment, and the estimated annual over-all cost of these statistical activities is about 43 million dollars. A host of private and public decisions is being made every day based upon statistical data.

The Commission recommends that the diverse system of collection and analysing statistical data should be continued. It is suggested, however, that greater use should be made of the Census Bureau for the repetitive, large-scale tasks of primary collection and tabulation of statistical data.

Responsibility for the adequacy of the statistical system as a whole, for its economic operation, for co-ordinating the activities of statistical agencies, and for determining priorities among these activities should be fixed.

The costs of statistical services that are mainly of benefit to specific groups should, to the greatest extent possible, be shifted to the beneficiaries.

Forms and questionnaires sent to the public should be simplified and the Division of Statistical Standards [of the Office of the Budget] should make a

constant effort to relieve the burden of these reports on businesses and individuals.

Subject to the approval of the President, the Division of Statistical Standards of the Office of the Budget should be strengthened to perform this work.

OFFICE OF GENERAL SERVICES⁶

Three major internal activities of the Federal Government now suffer from a lack of central direction. These are Supply, Records Management, and the Operation and Maintenance of Public Buildings. . . . Responsibility for these three internal service operations should be placed in an Office of General Services under a director appointed by the President. The Office of General Services should be given authority, subject to the direction of the President, to prescribe regulations governing the conduct of these three activities by departments and agencies of the executive branch. However, the Office of General Services should, to the greatest extent possible, delegate responsibility for exercising these three functions to the departments and agencies.

Records Management

We recommend: The creation of a Records Management Bureau in the Office of General Services, to include the National Archives. Enactment of a new Federal Records Management Law to provide for the more effective preservation, management, and disposal of Government records. Establishment of an adequate records management programme in each department and agency.

Operation and Maintenance of Public Buildings

Maintenance of buildings, allotment of space, and moving service in the District of Columbia and in some selected cities would be . . . in the Office of the General Services. It is not proposed that space allotment in the Post Offices and the National Military Establishment should be made by this agency. . . . The Commission recommends that the administration of the functions enumerated above be placed in the

Office of General Services, but it expresses no opinion as to design and construction of buildings, and other functions of the Public Buildings Administration.

Relations with Certain Institutions

In addition to these internal service operations, there are certain miscellaneous activities, primarily centred in and about the District of Columbia, which either report directly to the President or report to no one. These include the District of Columbia Government, the Smithsonian Institution, the National Capital Park and Planning Commission, the National Capital Housing Authority, and the Commission of Fine Arts. The Commission recommends that the relationship between these organisations and the executive branch be centred in the Office of General Services. All of the activities named above must be co-ordinated or directed from some central point with responsibility upon particular persons for their performance.

ORGANISATION AND MANAGEMENT OF FEDERAL SUPPLY ACTIVITIES

It is impossible for this Commission to work out a completely detailed system of supply for the Government. Rather, we attempt in this report to outline such a system, and recommend an organisation which can develop an effective mechanism.

The Commission recommends that a central Bureau of Federal Supply be created in the Office of General Services and that the Federal Bureau of Supply in the Treasury be abolished. It is proposed . . . that the supply bureau in the Office of General Services be developed primarily, although not exclusively, for policy-making and co-ordination of the procurement of supplies and other supply functions for the executive departments.

It would assign responsibility for the purchase and storage of commodities peculiar to the use of an agency to the agency best suited to make such purchases or to store such commodities. It would also designate certain agencies to purchase specified supplies for all

agencies and it would award contracts to vendors for common-use items. These contracts would be utilised by all agencies in the purchase of such items. The bureau would handle the purchase for small agencies when economical to do so. It would assure systematic handling and fundamental standards, and its objective would be to decentralise activities into the different departments, agencies and field office regions.

The deficiencies of the Federal supply system stem in part from deficiencies in companion staff services, namely, the personnel and fiscal activities. No other steps which the Government might take will contribute more to improved supply operations than the adoption of measures which will help ensure the selection and retention of competent supply personnel.

In addition to these recommendations. . . .

Enact legislation to apply the principles of the Armed Services Procurement Act of 1947 to buying by all agencies. This act permits contracts to be negotiated in specified circumstances and conditions, and raises from \$100 to \$1,000 the ceiling for purchases without competitive bids.

Establish a Supply Policy Committee composed of representatives of the Bureau of Federal Supply and the National Military Establishment to co-ordinate civilian and military supply operations.

Strengthen the Authority of the Secretary of Defence so that he may provide the leadership necessary for improving the supply operations of the National Military Establishment. It is specifically recommended that the National Security Act of 1947 be amended so as to strengthen the authority of the Secretary of Defence in order that he may integrate the organisation and procedures of the various phases of supply in the constituent departments of the National Military Establishment.

Remodel civilian agency supply organisations along the general lines proposed for the Bureau of Federal Supply.

Eliminate the present surcharge levied on the price of commodities purchased through central supply organisations for the Government as a whole and the departments and pay the administrative costs of such organisations through direct appropriations.

Part II, summarising the remaining Reports, will be contained in the next issue of PUBLIC ADMINISTRATION.

¹ The Commission recommends that in future the Bureau of the Budget should be called the Office of the Budget.

² The Congress when it enacted the Budget and Accounting Act in 1921 made the Director of the Bureau of the Budget a staff agent to the President, to be appointed by him without the Senate confirmation that properly goes with appointment of heads of the operating agencies. Similarly, it recently authorised the President to appoint the executive secretary of the National Security Council without Senate confirmation.

³ The National Security Council, the National Security Resources Board, and the National Advisory Council on International Monetary and Financial Problems.

⁴ Dissent : Commissioner Pollock believes the central personnel agency should be headed by a single director and stripped of its operating functions. He calls for "complete and unmistakable decentralisation" to the operating agencies, and "a revolution in the philosophy and practice of personnel management."

⁵ Under the merit system as it operates in the Federal Government, appointing officers are generally required to select persons for jobs from among no more than three names of qualified applicants. This rule is, in our judgment, unnecessary from the standpoint of ensuring that selections will be made on the basis of merit and, at the same time, it often operates so as to keep the Government from getting the right man for the job.

⁶ Hoover and Flemming recommend that the Statistical and Publications units be placed in the Office of General Services.

⁷ Dissents : McClellan and Manasco write a joint dissent essentially objecting to changing the functions of the Comptroller-General. Rowe recommends more decentralisation with central controls and reports, and the Comptroller-General in the role of "Auditor-General" and Pollock concurs generally. Acheson believes that action on the basis of the report "would raise almost insoluble jurisdictional questions."

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The Geographical Journal, April-June 1948



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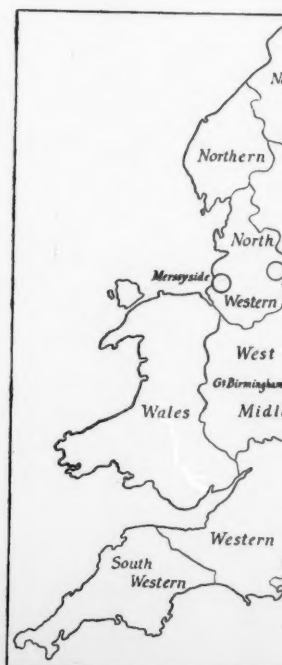
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A NUMBER of regions of the *Geographical* of regions of the following "Practical Wales" 29-44, with the *Geographical Planning* 61-80, "Boundary Areas", 172-206 are of interest to the collection of regional purposes, recent and chosen.

By the the Royal able to and Mr.

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Areas of Regional Organisation

A NUMBER of papers have appeared in the *Geographical Journal* on the subject of regionalism. Attention is called to the following papers:—(1) E. W. Gilbert "Practical Regionalism in England and Wales", *Geog. Journal*, XCIV (1939), 29-44, with 25 maps. (2) "Discussion on the Geographical Aspects of Regional Planning", *Geog. Journal*, XCIX (1942), 61-80, with four maps. (3) "The Boundaries of Local Government Areas", *Geog. Journal*, CXI (1948), 172-206 with 33 maps. These papers are of interest to students of administration because of the comprehensive collection of maps showing the different regional areas adopted for different purposes of government. The most recent article contains a set of the areas chosen for the nationalised industries.

By the courtesy of the author and of the Royal Geographical Society we are able to reproduce sixteen of these maps and Mr. E. W. Gilbert has added a few

notes on each map. The article in the 1948 *Geog. Journal* also includes a set of maps to illustrate the changes in local government areas proposed by the Local Government Boundary Commission in March 1948 and a discussion by leading British geographers on the proposals. The President of the Royal Geographical Society (Lord Rennell of Rodd) severely criticised the Boundary Commission for not including outline maps of their proposals in their White Paper, stating that this was "the least the Boundary Commission should have had the courtesy to supply to the British public". This set of maps made by Mr. E. W. Gilbert is not reproduced here, but readers are referred to the original article, copies of which can still be obtained in pamphlet form from the Secretary of the Royal Geographical Society, Kensington Gore, S.W.7. at the price of 2s. 6d. plus postage.

Notes on the Maps

By E. W. GILBERT, B.Litt., M.A.

Counties and County Boroughs.—There are in England and Wales 52 ancient or geographical counties. The administrative counties, of which there are 62, were created as such in 1888 (Fig. 1). The 10 additional counties are made up of two from Yorkshire (Ridings), two from Lincolnshire (Parts), one each from Sussex and Suffolk, the Isle of Wight, the Soke of Peterborough, the Isle of Ely and the county of London.

There are now 83 county boroughs, that is towns with the status of a county (Fig. 2). Of these 61 were declared county boroughs in 1888. The map shows that about half the county boroughs are in seven great industrial areas, London, South and East Lancashire, the West Riding, the Black Country, the Potteries, the North East Coast and South Wales. The remainder are widely scattered and include ports, seaside resorts and cathedral cities.

The 62 administrative counties and the 83 county boroughs are the most important local authorities in the country; they have been constituted the planning authorities for England and Wales by the Town and Country Planning Act of 1947. During the present century a larger type of administrative unit has been used for many purposes of administration but not, as yet, for local government.

Cromwell's Districts, 1656.—Larger units than counties have not been unknown in English history. By the end of the period of Roman occupation, Britain had been divided into five provinces. In 1656 Cromwell divided the country into eleven districts (with a few sub-divisions), each governed by a Major-General (Fig. 3). This method of government, which was concerned with defence against enemies within the State rather than against foreign foes,

was exceedingly unpopular and involved many serious encroachments on the constitution. The system was a new form of local government, by which special taxes were collected and Puritan morals promoted.

Civil Defence Regions, 1939-45.—During the war of 1939-45 Civil Defence Regions were set up by the central government to meet the threat of invasion (Fig. 4). The system with its Regional Commissioners, was not popular with the local authorities who became increasingly suspicious of regionalism and of the miniature White-halls which sprang up in a dozen provincial capitals. War-time regionalism was a form of decentralisation and was no more democratic than Cromwell's regional rule. No elected regional councils were established. The boundaries adopted by the Civil Defence organisation were strongly criticised by British geographers (*Geographical Journal*, XCIX (1924), pp. 77-80) and some slight changes were made during the war. After the war the Civil Defence System was soon liquidated but the areas continued to be used by several ministries for the decentralisation of their work. In 1946 the Treasury adopted as "standard" certain regions which closely correspond to the Civil Defence Regions (Fig. 5). They are used by the Admiralty, the Ministry of Supply and the Board of Trade and with slight deviations by others. The Ministry of Town and Country Planning uses areas for its Regional Planning Organisation which only deviate slightly in the south-east from the "standard" pattern, and this Ministry's scheme is used by the Land Commission of the Board of Agriculture and Fisheries and by that Board's Land Utilisation Officers. (Fig. 6.)

Regional Areas for Public Services.—Before the war the Post Office was completely re-organised on a regional basis. (Fig. 7.) This system was put fully into operation in 1939 after much careful research into the question of boundaries and areas. Its adoption with sub-divisions into 46 telephone areas was undertaken after many years of experiment. The 46 telephone areas approximate in number and size to the

52 ancient counties. (Fig. 8.) These sub-divisions and their capitals, or area headquarters, are of considerable interest to geographers, as they are more in accordance with the geographical conditions of the present day than are the ancient counties.

Since the war a system of regional organisation has been adopted for several public services, including electricity, gas and hospitals as well as for the coal industry and the railways. In 1947 the Electricity Act divided England and Wales into twelve areas each under an Area Electricity Board. (Fig. 9.) In 1948 the Gas Act divided England and Wales into eleven gas supply areas, each under an Area Gas Board. (Fig. 10.) The areas shown are those finally adopted and they differ slightly in area and nomenclature from the provisional areas which appear in the *Geographical Journal*.

Both the coal industry and the railways were regionalised for administrative purposes though not by their Acts when they were nationalised. In 1947 eight "divisions" were set up by the National Coal Board; these approximate to coalfields, although in some cases boundaries run across coalfields. (Fig. 11.) In 1948 the nationalised British Railways were regionalised in a scheme of six regions (Fig. 12) which are similar to those used by the old companies. It has been announced that there will be a great deal of adjustment between the boundaries of regions and in transferring the interpenetrating lines which at present exist in outlying sections of rail.

Most important of all, from the point of view of local government, has been the regionalisation of the hospitals. Fourteen areas were delineated as Regional Hospital Areas under Regional Hospital Boards in 1946. The resultant regions could be criticised unfavourably on geographical grounds. (Fig. 13.) The provisional list of areas was sent by the Minister of Health to local authorities and to various bodies for comment, including the Federation of British Industries and the Trades Union Congress; the list was not sent for comment to the Royal Geographical Society.

It is obvious that the construction of "catchment" areas for hospitals, that is of "natural hospital regions", a phrase used by *The Times*, is a geographical problem, and it is most regrettable that geographers were not consulted in the designing of hospital regions and areas.

Theoretical Regions. — Geographers have asserted for years past that provinces each with regional consciousness do exist in England and Wales. Professor C. B. Fawcett's pioneer work of 1917 ("Natural divisions of England", *Geographical Journal*, XLIX (1917) pp. 121-141) was later expanded into his well known book *Provinces of England* (1919). In 1941 he produced a revised map with a division of the country into 12 regions. (Fig. 14.) In 1941 the author of these notes designed a scheme of fifteen regions (Fig. 15) which was intended to be an improvement on the Civil Defence system with its eleven regions. He attempted to obtain a sounder grouping of the counties into regions than that of Civil Defence and at the same time to rationalise the counties by dividing them in certain cases, which he regarded as inevitable. But deviations from county boundaries were reduced to a minimum, whereas Professor Fawcett's scheme seldom used county boundaries as his dividing lines between regions. Mr. Gilbert's reasons for his choice of groups of counties into regions with some comparison with the Civil Defence regions are given in detail in *Geog. Journal*, XCIX (1942) 78-80.

The last map to be considered is that recently designed by Professor G. D. H. Cole (Fig. 16). As long ago as 1921 Mr. Cole, as he then was, advocated a division of the country into ten regions in his book *The Future of Local Government*. In 1947 Professor Cole produced a scheme of 19 proposed planning regions in *Local and Regional Government*; five of these regions are concurbations. Professor Cole proposed that regional planning authorities with councils—not joint boards—be established for each region.

The set of maps as a whole shows that the regional boundaries chosen differ considerably; it is not to be expected that the boundaries should agree in every case. The present system of local government wholly disregards the dozen or so large regions, each with a real community of spirit which exists in this country, yet there is a latent sense of unity in East Anglia, in the South-West, in the North-East, in the West Midlands, in the East Midlands, in Lancashire and in Yorkshire, as well as in London and this feeling is being fostered by the numerous means of regional co-operation which are now in being.

It is important that those who wish to reform local government should recognise the existence of these regions. But it is equally important that the reformers should encourage the prosecution of more research concerning the social geography of this country. Mr. V. D. Lipman in the concluding paragraphs of his book *Local Government Areas 1834-1945* (1949) lays great emphasis on the need for "a thorough survey of the geographic structure of the population, with particular reference to the relationship of urban centres to their surrounding countryside" and asserts that "the results might well prove a most significant contribution to the solution of the problem of areas in English local government" (p. 444). The set of maps reproduced with these notes show some of the ways in which the human map of England is being rapidly transformed and suggest the need for creating new types of units, both large and small, for local government—types that are more consonant with the geography of the country as it is at the present day. It is hoped that administrators will encourage the small body of geographers who are interested in these questions, by recognising the relevance of the results of geographical research in any solution of the problems of administrative areas and boundaries.

Local Government Areas 1834-1945*

For over a century there has been a continuous discussion of the problem of English local government areas; since the Poor Law Amendment Act of 1834 was introduced, and even before that, reformers and administrators, critics and committees have argued about the subject, and proposed innumerable solutions. Meanwhile the system of local government has developed, sometimes in one direction, sometimes in another, until it has become the great and powerful structure that it is today. But the very growth and power of the system makes it the more important that it should not be hampered by swaddling clothes of areas which no longer fit. Proposals for a reform of the outworn areas have recently come from many sources; university professors, associations of local authorities and of their employees, political parties, and the Boundary Commission have all made their various contributions. It is particularly important that when the problem is being so much discussed, the fullest information should be available. Mr. Lipman has now provided what is so much needed—a careful survey of the development of the present structure, and a review of the problems and suggested solutions of today. He traces the history of local government areas from the Poor Law Amendment Act of 1834 to the appointment of the Boundary Commission in 1945, and then considers the problem as it was when he wrote, finally suggesting a synthesis of the contending arguments.

The historical part of this book is particularly distinguished by the patient labour with which the facts and references have been accumulated from countless blue books, debates and Bills. There is a great quantity of information here, culled mainly from parliamentary sources. But there were other external influences at work which did much to shape the course of development, and of which more might be said; Toulmin Smith was perhaps an antiquarian

crank, but none the less his passionate advocacy of the cause of parish government and his hatred of centralisation in any form deserves some mention; and his opponents of the school of Bentham had a lasting influence worthy of more notice. Within the sphere of parliamentary sources the historical chapters are of much value. Detailed research in reports and speeches has been well marshalled to present the story of the development of the present system, supported by many references and quotations. Among so large a collection of facts it is perhaps inevitable that a few minor errors should occur, but some of the statements call for correction in later editions; for example, on page 468 he writes that Sturges Bourne "carried Select Vestries Acts in 1818 and 1819", and a similar statement appears on page 35. But the Act of 1818 dealt with open vestries, not select vestries, and was known as the Parish Vestries Act to distinguish it from the Select Vestries Act of 1819. Sir Edward Knatchbull's Act was passed in March 1722/3, and not, as stated on pages 37 and 494, in 1772. (The date is correct on page 38). It was given the title of the Poor Relief Act 1722 by the short Titles Act of 1896. The Author writes (p. 38) "The provisions of the 1722 Act were defective. Only two small parishes could unite—not a large and a small parish, or two large parishes; there was no provision for the building—as distinct from the purchase or renting—of a workhouse". The Act in fact empowered two or more parishes to unite, and though building workhouses was not specifically provided for, it appears that the wording was interpreted widely enough to include this; Sir Frederic Eden in his *State of the Poor* (Vol. I, p. 269) and Thomas Gilbert, in introducing his Bill, stated that it enabled parishes to do so. A reference in the index of Mr. Lipman's book confuses Knatchbull's Act with Knatchbull-Hugesson's Bill of 1869. A short

* By V. D. Lipman (Blackwell) 25s.

biography is included of Sir Edward Knatchbull (1781-1849) who is apparently confused with the promoter of Knatchbull's Act, who had the same name, but lived a century before. In this biography the subject is wrongly called Sir Edmund instead of Sir Edward Knatchbull, and it is stated that he was M.P. for Kent in 1819-30 and 1832; the dates should be 1819-31 and 1932-45. Another similar confusion arises about the Assistant Commissioner responsible for the formation of Poor Law Union in Kent who is referred to on page 45 as Sir Edmund Walker Head; the authority quoted is a report appended to the First Report of the Poor Law Commissioners, but this report is signed F. B. Head—Sir Francis Bond Head, who was the Assistant Commissioner responsible. These and other minor errors may not detract from the value of the book as a whole, but they are apt to mislead the student.

In the Nineteenth Century the discussions centred greatly round the problem of the parish; the principle of efficiency demanded the creation of larger units, while local sentiment and the desire to give self government to social communities demanded the retention of the parish as a unit. Today the problem is basically the same; the desire of communities to manage their own affairs implies the employment of small units; on the other hand the demands of technical efficiency generally imply the use of areas which are different from and often larger than those of our existing authorities. But the technical considerations do not, as Mr. Lipman points out, in most cases demand just one set of administrative areas, but a hierarchy of authorities, each fulfilling separate functions within the scope of the same service; thus the provision of Technical Colleges and County Colleges entails a much wider administrative field than the provision of primary education; the making and maintenance of trunk roads must be on a regional or national basis, while the repair of by-roads is more suitably dealt with locally. In considering such problems it is a great advantage to have Mr. Lipman's survey of the solutions which have been suggested by English writers and also of

the experience of the United States, Russia and other countries. The answers they have found to the questions which we are considering may not be appropriate to our conditions, but the knowledge of their experiments and theories is a most useful guide.

One of the most difficult questions is that of the relation of town and country. Since the medieval charters were granted to our boroughs, they have governed themselves as separate communities divorced from the country round them. "The question is whether areas which have distinct—perhaps conflicting—interests, especially of an economic character, should be kept in distinct administrative units or can safely be contained in one unit . . . it is now often conceded that there is a certain community of interest between the market town and the surrounding rural area, though the industrial town—or the new satellite—is still generally held to be opposed in interest and sentiment to its rural environment" (p. 405). These sentences contain the core of the problem.

In America there has been considerable research, summarised in this volume, into the extent of the rural area round a town which looks to it for the supply of entertainments, markets, shops and newspapers. In England less work has been done on these lines. The conclusion to which these investigations point is that the people of a large rural zone surrounding a town have common interests, in some respects at least, with the townsmen. This suggests that some sort of a community can be discerned which embraces both urban and rural populations, and which might become the basis of a new division of local government areas. The Boundary Commission has not accepted this view, but prefers to keep the present distinction between urban and rural areas; it suggests that boroughs should possess within their boundaries what an aerial photograph would show to be one town, with some addition for future growth. Professor G. D. H. Cole in his *Local and Regional Government* and an article in *PUBLIC ADMINISTRATION* (Autumn 1948) takes the opposite view and argues

in favour of town-and-country "incorporations."

From the administrative point of view the divorce of the smaller boroughs from their surrounding country is almost indefensible; that New Romney and Lydd should be administered separately from the rest of Romney Marsh is hard to justify except on historic or sentimental grounds, but the civic pride of the Cinque Ports and other ancient boroughs must not be ignored; it is the spirit from which our civil liberties were born. The major problem however is that of the larger towns and cities. The case for their inclusion in wider town-and-country units must depend on the proof that either they do in fact form one community with the surrounding countryside, or that they should and can be made to do so. The divorce between townsmen and countrymen in outlook and interests is not a product of the Local Government Act, 1888, or of any other statute; it is a part of our manner of life and our civilisation. It is obvious that people come from the villages to the nearest town to get their ration books and licences, to buy their clothes and see the cinema, but whether that really makes them into a community with the shopkeepers and the factory hands is more doubtful; the strong opposition of the villagers to proposals for extensions of borough boundaries suggests that they themselves do not feel a common interest. The outlook of the townsman is also worth considering. Research on the attitude of the villager to the town might well be balanced by research on the attitude of the townsman to the village. Does he feel a social bond with the agricultural labourer, or does he regard the country as a recreation ground to be visited on Saturday or Sunday? Economically, in these days of centralised agricultural marketing, to what extent does the old picture still hold good of a belt of farms supplying the central town with milk and meat and bread? On the answers to these questions hangs, it would seem, the validity of the argument that a true community of feeling and interest does exist between the industrial and the agricultural worker.

Mr. Lipman reduces the primary factors in determining the suitability of areas to four; the size, measured by population; the need for an area of a certain type of geographical configuration; the need for a continuous stretch of territory; and a balance of different components in the area to be served. These four general factors are considered at some length in relation to particular local government services. The conclusions he reaches from this analysis are very tentatively put forward, but he suggests that a mapping of areas based on these principles may well prove to bring about a synthesis between the conflicting claims, which have played so large a part in the discussions of the past—the self government of the community and the demands of technical efficiency. This synthesis would apparently be found in a system of two-tier, or even multi-tier authorities, in town-and-country units, but Mr. Lipman does not commit himself to detailed proposals for the reform of local government or the re-arrangement of boundaries. He is more concerned with collecting the facts and considering the evidence than with giving judgment.

The most valuable part of the book is probably the chapters in which he deals with Government policy from 1929 to 1945, and with plans for a new structure. In these, a great quantity of information is, for the first time, gathered together, and, though himself no champion of any particular doctrine, he reviews impartially the arguments of all schools and summarises with a wide knowledge the experience and research of several countries. It is one of the misfortunes of the post-war world, but no fault of the author, that the publication of a book takes so long. In the two years between the writing and the reading much has happened, on which the author's opinion would be interesting. While the need for reform of our present areas grows more urgent, the Government seems unwilling to take the matter seriously. The Reading Committee of 1945 was quietly suppressed in 1946, and no steps were taken to review the problem of Greater London; the recommendations of the Boundary Commission were ignored for a year, and

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now the Minister of Health has announced its dissolution. Meanwhile functions which either did or might belong to local authorities are assigned to new regional bodies, each with its own area, and each composed of members who are not directly elected. Hospitals, general practitioner services, gas, electricity, river management and passenger transport have been so treated; water

supply may follow. The confusion of areas is becoming worse than it ever was in the Nineteenth Century.

The problem becomes more urgent year by year, and the publication of Mr. Lipman's book is particularly opportune; such a survey was much needed and he has done it well.

BRYAN KEITH-LUCAS.

Public Relations and Publicity*

I know of no calling in this country which has so rapidly increased its membership and developed its equipment during my working life as that of publicity and public relations. I first came into touch with it over twenty years ago when I was bound apprentice to the spending of the millions pound a year which the Government promised the Empire Marketing Board (though it failed in the end to keep its promise) for promoting the sale of Empire products in the United Kingdom. I found it hard then to discover in Government circles (outside the Exhibitions Division of the Department of Overseas Trade, the section of the Stationery Office concerned with the placing of classified advertisements and its Government Advisor on cinematography) any counsellors of experience. Last year answers to Parliamentary questions indicated that a staff of some 1,700 people, excluding subordinate staff and all the works of the British Council, were then engaged in what are now called the Information Services of Government. And there have been corresponding developments in industry, in commerce, in the professions and not least in local government.

Here clearly is a field that deserves to be well documented, yet I doubt if any calling has so lacked, or so needed, lucid accounts of its practice. Much printers' ink has, I understand, been spilt on the other side of the Atlantic in describing its elusive character and purpose. I speak from little more than hearsay; for such American examples as I have seen have not encouraged me to become

a student of that literature, though my most interesting recent discussion of the subject was with one of the chiefs of a famous American corporation. In this country there are few books to which one can direct a serious student of the profession—or the arts—of publicity. This lack is at the present time a matter of serious concern to the newly founded Institute of Public Relations, one of whose major tasks it is to assemble and make available to its members the experience gained in the last twenty years and still being won. Any serious attempt therefore to describe in print the conduct of a Publicity or a Public Relations Department deserves the attention not only of P.R.O.s but of those who employ them and of those to whom they address their arts. Mr. Brebner, the author of this book, brings to its writing exceptional experience. I well remember what a vivid impression his brilliant instinct for the job made upon me when, fifteen years or so ago, he and I were associated in a particularly happy partnership under Sir Kingsley Wood's leadership for bringing the Post Office alive to the public and to itself. His later work—at the Ministry of Information and now in the country's nationalised transport services—is a matter of public knowledge.

Mr. Brebner's reputation will ensure that those who are interested in the subject will read this book, and I shall therefore make no attempt in this brief review to summarise its contents. I find myself travelling with him much of the way, but here and there diverging or looking for a missing trail. I shall

* By J. H. Brebner (I.P.A. 2s.).

confine myself to noting a few of the reflections which my reading of his book has suggested. It has, in the first place, made me realise how many points of view there are, even among men of like experience within it, about this still uncharted profession. At some points I find myself in hearty agreement with Mr. Brebner: at others, either at issue with some of his conclusions or inclined to supplement them. Let me take some of the differences first.

Mr. Brebner, although he expresses the view that Public Relations and Publicity are "a single function having two aspects", goes on to distinguish between the former as dealing with individuals and the second as dealing with people in the mass. This strikes me as a misleading distinction. Personally, I should maintain that the two titles—neither of them very happy, but no one has yet discovered a better—are interchangeable, and that more important dividing lines within their territory are the distinction between short range and long range, background and foreground, work and again that between work which can, and should be, undertaken by every member of an organisation without special expertise, and work (such as the making of films or the staging of exhibitions) which requires technical knowledge. I miss in Mr. Brebner's approach to the subject, as I miss in the present official attitude to it, any insistence on what I regard as an essential characteristic of the best modern publicity—that it should not merely impart information to the mind but should also stir the imagination. I miss, too, insistence on a point which was first made by Mr. Frank Pick in his pioneer work for the Underground Railways of London and re-emphasised by Mr. Jack Beddington in the Shell organisation—the vital part which the arts can play in the conveyance of that imaginative appeal. I am never tired myself of repeating words which I once

happened upon in a letter from John Stuart Mill to Thomas Carlyle—"It is the artist alone in whose hands truth becomes impressive and a living principle of action".

I welcome, on the other hand, the emphasis here laid on the importance of efficiency in an undertaking as the basis of all publicity. There is no more tiresome heresy in this field than the idea that publicity can be applied like an eyeshade to hide, but not to heal, defects in an organisation. I welcome the importance which Mr. Brebner attaches to internal publicity—the development of a sense on the part of a staff that they are a team, that their management is keeping them properly informed, and that they have full opportunities alike for suggestions and for complaints. I should myself have added to this side of the picture the contribution to internal morale which a successful campaign of exposition to the public can make within an organisation. In the days when Mr. Brebner and I were colleagues at the Post Office, Mr. Grierson and the G.P.O. film unit set out to explain on the screen the workings of our huge organisation. I have always maintained that films such as *Night Mail* and *Six-Thirty Collection*, which secured a large public audience and are still quoted as examples of documentary film making, not only produced understanding among the public and increased the sale of telephone and other post office services, but gave the staff itself a better understanding of the complicated processes which they were conducting and a new sense that the public were aware of their faithful and obscure work.

Mr. Brebner now holds a post which gives him an opportunity of doing pioneer work on a country-wide scale. Everyone will wish him success and will take this book as a signal of the gifts and the thoughtfulness which he brings to his task.

STEPHEN TALLENTS.

CORRESPONDENCE

Municipal Boroughs and Ultra-Vires

Sir,

The article by Mr. Keith-Lucas which appeared in the Summer issue of the JOURNAL (Vol. xxvii., pp. 87/90) is of considerable interest and sets out a clear picture of this particular problem. The conclusion, in which the author suggests or implies that the boroughs could act to a greater extent than at present as a common law corporation, by the extension or provision of services not covered by statute, is attractive, and one which I would like to see carried out. I do feel, however, that regard must be had to a factor not adequately discussed in the original article—namely, the position of those boroughs which have adopted the system of district audit for the whole of their accounts.

It will be recalled that the Local Government Act 1933 provides that certain services—mainly those grant-aided—must be included within the purview of the district auditor, with an option given to the Council to extend this method of audit to the remainder of their accounts. Those services which are compulsorily so audited are already in a field covered by statute and consequently, applying the dicta quoted in the article, a municipal borough would have no power in these cases to act purely as a common law corporation but must be guided by statute.

It follows that any action undertaken under common law would be included in the group of services not automatically subject to district audit, and it would seem that the district auditor, in having regard to his duties under Section 228 of the 1933 Act (disallowance of items of account contrary to law), would have regard to the case law on the subject. In addition to the cases dealt with in the article, regard must also surely be had to *A.G. v. Aspinall* 1837 and *A.G. v. Lichfield Corporation* 1848. These cases (admittedly prior to the Leicester case of 1943) detract somewhat from the strength of the position in common law suggested by Mr. Keith-Lucas by their

reference to trust funds and application of rate income. It is suggested therefore that the district auditor, particularly in view of the uncertainty attaching to the Leicester decision, would very much tend to consider the legality of expenditure by reference only to statute law. In other words, he would regard the borough in the same light as a statutory corporation and apply the same rulings.

Furthermore, the Local Government Act 1933 (Section 228) gives power to the Minister of Health to issue a covering sanction to local authorities for expenditure not apparently legal and the effect of this sanction is to remove the question of legality from the purview of the district auditor. The use which has been made in practice (and it should be remembered that this power has been in existence for some long time before the 1933 Act) has been in cases of isolated expenditure, mainly non-recurring, and it is suggested that sanction would not be given under this provision to anything in the nature of a continuing service.

The point in the previous paragraph is relevant to the discussion as it is probable that the district auditor, if not the Council, would require the use of this power of application to the Minister. It follows that, in view of the practice of the Minister in previous cases, it is doubtful if consent would be given to expenditure on anything in the nature of a new service not covered by a specific statute. This fact would, I suggest, tend to make the majority of boroughs hesitant to act as a common law authority as the auditor would obviously have regard to the Minister's decision.

It would still remain open for the borough to test the position by way of providing a new service, relying on common law authority and leaving the result to be considered by the Courts, either directly or indirectly following a district auditor's disallowance and surcharge.

In view of these remarks it is considered that very little can or will be

done in the way of extending the services of a borough through the use of common law powers and this would seem particularly so in the case of a corporation completely subject to district audit. The attempt might, however, be well worth any resultant financial loss and could, if successful, open up a means of combating the present trend of reducing the powers of local government, so often deplored but seldom actively resisted.

Yours faithfully,

G. E. TICKNER.

Sir,

Mr. Tickner's letter raises practical questions of the greatest importance. In my article I put forward a view of the law tentatively and cautiously; the Leicester case may yet be over-ruled by a higher Court; it can no doubt be argued that it was wrongly decided. But so far it has not been over-ruled. (The two cases quoted by Mr. Tickner were certainly relevant, but I personally doubt whether they are relevant today, depending as they do on the wording of the repealed Municipal Corporations Act of 1835, and on circumstances of a century ago.) At present Town Clerks seem reluctant to advise their Councils to rely on the Leicester case, following the tradition established at Ephesus (Acts XIX). Those who might challenge the decision seem equally reluctant to do so.

What policy the Minister of Health would follow in granting sanctions to expenditure under section 228 of the Local Government Act 1933 I do not know, but such sanctions can only exclude the District Auditor; they can not alter the legality of the payments concerned. No doubt, as Mr. Tickner suggests, the problem will again come before the Courts: perhaps this will happen through the agency of a District Auditor who disagrees with Mr. Justice Bennett's judgment. Then perhaps we may get a decision of the House of Lords which will settle the question beyond a doubt.

Yours faithfully,

B. KEITH-LUCAS.

University Graduates in Local Government

Sir,
I have read with interest the account of developments in the University training of local government officials in the Spring number of PUBLIC ADMINISTRATION; it is encouraging to learn of the considerable number of serving officials for whom facilities for obtaining University qualifications are given under Clause 4 of the Scheme of Conditions of Service.

I notice, however, that no reference is made to the final words under Clause 4 which express the intention that "a limited number of University graduates" should be "recruited direct." Has any progress been made with this part of the scheme? A number of Universities provide degree or diploma courses in Sociology, Public Administration or related subjects, and some of the students who obtain these qualifications would much like to enter local government service and would, it is to be hoped, have a contribution to make in that field. Clause 4 of the Scheme has created modest expectations amongst suitably qualified graduates: it would be helpful to know how far these have been, or are likely to be, fulfilled.

Yours faithfully,

BARBARA WOOTTON.

Professor of Social Studies in the University of London.

Sir,

At the request of the National Joint Council, the Local Government Examinations Board has asked local authorities to supply information about the number of graduates recruited direct from the Universities into the local government service. Replies to the questionnaire are still being received, but in due course the information supplied by the various local authorities will be summarised and submitted to the Examinations Committee of the Board, to whom consideration of the action to be taken to secure the implementation of paragraph 4 of the Scheme of Conditions of Service has been referred.

Yours faithfully,

H. SLATER.

Secretary, Local Government Examinations Board.

Notes

Professor F. A. Bland and Public Administration in Australia

THE four issues of *Public Administration* (Journal of the Australian Regional Groups) for 1948 make their useful and varied contribution to the literature of the subject. This year, however, there was one topic which took up no less than one and a half of the four issues: that topic was Professor F. A. Bland. For a striking though melancholy event occurred during 1948—Bland retired from the Chair of Public Administration at Sydney and also resigned from the Editorial Board of the Australian Journal. Now Professors are always retiring and Editors always resigning and all without much notice being taken of such humdrum events. But Bland is not one of that kind of Professor, for he is too closely linked with the academic and public life of New South Wales for him to slip away unnoticed. And so the Australian Regional Groups devoted the whole of the September 1948 issue to appreciations of Professor Bland's public and

academic work, whilst the June 1948 issue contained a 30 page bibliography of his writings. Of particular interest is Professor R. S. Parker's appraisal of Bland's contribution to Public Administration in Australia for, as might be expected, it also throws light on Australian political thought and institutions. It is tempting to quote from this and the other articles but the temptation must be resisted. For Bland's contribution is by no means completed. His retirement from the Chair marks the end of a phase but who of those who met him during his recent visit to England can doubt that given reasonable health he will continue for many years yet to be an influence in Australian public affairs. The lively interest and shrewd observation are still very much in evidence, Let us therefore take note of all that he has accomplished so far and wish him health and strength for many more years of achievement.

D.N.C.

The Civil Service Socialist

GLANCING through the catalogue of a well-known second-hand bookseller I was intrigued to find the item—*Civil Service Socialist*, the Organ of the Civil Service Socialist Society. What was this Society, when did it flourish and what did the journal contain? I had never heard of it before, nor had many civil servants to whom I mentioned it. So I sent for the item.

Altogether there were 20 parts of a monthly journal covering the period 1908-1913, with complete blanks for 1909 and 1911. The objects of the society are given as: "To educate the members of the Service in the principles of Socialism, political action to be outside its province." Membership was stated to be "open to all Civil Servants, providing (a) That they declare themselves Socialists; (b) That application is made on the official

form, nominated by a member of the Society, and accepted by the local Committee." Was the reference to "the official form" a pointer to the brave new world? A reading of the journals shows the usual mixture of Fabianism, Marxism, Guild Socialism and Christian principles characteristic of socialist thought of that period. In one issue there is a stern poem entitled "A White Slave Song" in which occur the lines:

"Sweated and stunted, O, once-fair maid!

In the struggle for bread must your beauty fade;"

Perhaps I should add that the "maiden fair" was working in a factory-hell—the hell rhymed with "school-time bell".

In another issue there are complaints that two postmen, members of the Salford Town Council had been warned

by the Postmaster General that they must not speak in public on behalf of the I.L.P. "This is another illustration of bureaucratic collectivism." The decision was criticised on the ground that Ministers "who are just as much Civil Servants as we, are allowed unlimited freedom in their political activities"! In the June 1908 issue there is a letter from the office of the Postmaster General (Mr. Sidney Buxton) pointing out that while the constitution of the society appeared to be in conformity with Service Regulations it would be an infringement for the Society to hold or organise public meetings for the advancement of their views among the public in general. My final selection which I cannot resist quoting is from the August 1912 issue :

"There is a continual antagonism between the Department and its servants, caused entirely by the clashing of interests. The objects of the Department is to get as much work as possible done at a minimum of expense. This clashing of interests is known to the Socialist as the class struggle."

In a 1913 issue there is a reference to a circulation of 1,600 copies. As far as one can see it was largely a Post Office society, though apparently it has some support in the Customs and Excise. It would be interesting to hear the full story of this episode in the history of the civil service.

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Reviews

Town and Country Planning

By M. P. FOGARTY. (Hutchinson's.) 1948. Pp. 221. 7s. 6d.

WHEN I was asked to review Mr. Fogarty's book (published in Hutchinson's University Library) I accepted with pleasure. Many people are writing today about particular aspects of town and country planning, the various developments in the techniques of civic design, the legal conundrums in the Act of 1947, the administrative framework within which land planning is carried on, the contributions which this, that or the other profession has to make to the whole complex of problems involved; but very few attempt to survey the whole field, and very few anyway would be capable either of Mr. Fogarty's breadth of view or of his objective approach.

Nevertheless, I came to regret my enthusiastic acceptance. For Mr. Fogarty's book is singularly difficult to review. It is full of ideas, of challenges, of information. (There is a very interesting account of the evolution of planning in Birmingham in Chapter III.) But it does not seem to have a consistent thread. Mr. Fogarty is not setting out to prove this, that or the other thesis about planning; he is not solving this, that or the other problem. He is taking a look at all the problems; and the title of the book might perhaps have been "How do we dare to plan", since the effect on the reader's mind is, to put it mildly, daunting. This is not a criticism of the book, for this is the stage that planning has reached; it is only an explanation of the difficulties of the reviewer. One likes to be able to start off by saying "This book sets out to show or to discuss such and such; the theme is developed in such and such a way; the conclusions are such and such." That is not possible with Mr. Fogarty's book. It has no theme; it jumps from problem to problem; and it covers all sorts of problems, economic, sociological, architectural and administrative. Read

straight through it is indeed confusing, or perhaps a better description is indigestible; its value is greater as a book to keep by you, to consult on particular problems from time to time. But of course that entails reading it straight through first in order to know the field it covers.

A glance at the chapter headings shows something (but only something) of the scope of the book. The first five bring planning up to the present day, one of them—which needed writing—being engagingly headed "Don't shoot the planner", and setting out to show that while the results of pre-war planning seem to us nowadays unsatisfactory, it was not primarily the fault of the expert who was as far ahead as anyone and a good deal farther than most. It was the fault, or at any rate the failure, of all those in authority in central and local government who would not give the expert a reasonable chance.

This is followed by New Ideas on Planning—the Case of a Town, and contains the history of planning in Birmingham already alluded to; and then two chapters on New Ideas in Planning, the Countryside and the Scale of Planning; and the selection of these two shows something of the analytical quality of Mr. Fogarty's approach. Then comes the meat, the thing that everyone concerned with planning wants to know, Present Objectives of Planning; but the chapter does not quite live up to its title—perhaps it could not. "Essentially", says Mr. Fogarty, "the aim of town planning today is to create communities, fully equipped with the physical means needed for satisfactory social life. . . They must be arranged, so far as is physically and economically possible, to provide the pattern of social life which people want." And he then goes on to consider the problems entailed in this, and in particular the overriding

problem of determining what it is that people do want including in that (what most people do not know) what it is that people can have. It seems doubtful whether Mr. Fogarty has stated the objectives sufficiently widely; they were stated in the Act of 1943 to be "securing consistency and continuity in the framing and execution of a national policy with respect to the use and development of land", and this is surely wider than the "creation of communities." Mr. Fogarty's objective, however, is a great part of the whole, and as his chapter shows raises problems enough.

The remaining chapters cover the possibility of effective direction of the location of industry; the policies to be pursued in the design of towns (with some most interesting comments on the planning of new towns); the methods of enforcing standards (with a glance at the difficult question of freehold and leasehold); the problem of the older towns, including a criticism of the development charge machinery and a

plea for return to something like the original Uthwatt proposals for developed land; a brief chapter on the countryside; and finally a review of planners at work—a review which touches many questions, including the Durham school of planning, the need for research, and the iniquity of Crown exemption from the operation of the planning law.

This is a book to come back to, not once but many times. I said earlier that it is full of ideas and challenges as well as information. And the challenges remain one's main impression. Mr. Fogarty has thought about the problems of town and country planning as few of those immersed in it have time to do, and as few of those who are not immersed have the knowledge to do. He has packed an amazing amount into 214 pages. And I hope that his next effort will be to take some of the many problems he has thrown out and develop them in more detail. It is plain that he has a great deal to suggest.

E. A. SHARP.

Lectures on the Town and Country Planning Act, 1947

By R. E. MEGARRY (Stevens.) 1949. 9s. 6d.

AFTER Mr. Fogarty's book Mr. Megarry's is straightforward. Mr. Megarry says in the preface that it sets out "to provide a readable account of the provisions of the new law"—not for lawyers but for "the average practitioner and the average landowner." And it certainly succeeds. Indeed, it does more than that. It provides an account which is exhaustive and accurate as well as highly readable. That is a very considerable feat, and Mr. Megarry is not only to be congratulated but also to be most gratefully thanked by all, and they are many, who need to understand the law.

The Act is explained under three main headings: control of development, acquisition of development rights by the State, and compulsory acquisition. These are preceded by a condensed and, as it seems to me, quite brilliant introduction which, among other things, sets out in very few words the essential differences between the old planning system and the new. Right at the

outset Mr. Megarry shows his quality. Who would expect that an accurate exposition of the Town and Country Planning Act of 1947 could be entertaining? The most one would hope, and that faintly, would be that it should be lucid. But Mr. Megarry is most entertaining. The only assurance he will give about what is *not* in the Act is a provision for the divorce of Town Clerks (for which there is said to be a precedent in a Waterworks Act promoted by an unhappily married Town Clerk); commenting on the apparently unsatisfactory nature of Ministry Inquiries where the Inspector merely hears the case and does not issue the decision, he admits that "the voice is the voice of the Inspector, even though the hand is the hand of the bedesked"; and later when explaining planning permissions he says (after explaining 'deemed' permissions) "The second kind of permission is unconditional permission. This is admirable. You put in your application to the

local planning authority, and they promptly give you unconditional planning permission. What indeed could be more beautiful or, the cynics say, more rare?" Then there are conditional permissions (and noticing the frequent disallowals of conditions in the Ministry's *Bulletin of Selected Appeal Decisions* he speculates on Ministerial dislike of conditions) and finally refusals: "Lastly you have the most deplorable case of all, where permission is refused; and that, of course, on the face of it, is just that."

Mr. Megarry seems to have missed nothing in the Act, and to succeed in making it all comprehensible. He has a fairly long section on the meaning of "development" which, for a layman at any rate, is immensely useful. He also has a very clear section on those mysterious terms "dead ripe" and "near ripe." As he truly remarks "Ripeness is all"; while many of us have dimly

apprehended that we have not always known why. Mr. Megarry explains—though with the ungrateful comment (apropos the importance of claiming on the Fund as well as securing a dead ripe certificate which prevents a claim succeeding) that "a bird in the hand (and a pretty scraggy one at that) is worth two in the Ministry".

Mr. Fogarty's book is a book that the "planner" should keep by him, Mr. Megarry's is one that he must keep by him, though its utility is mainly to a different class of person. I would further commend it not only to those who are directly interested in planning of affected by the Act but also to all those interested in public affairs; for it provides a most readable account of one of the most far-reaching statutes of modern times and is of interest and value therefore to us all.

E. A. SHARP.

The Legislative Process : Lawmaking in the United States

By HARVEY WALKER. (Ronald Press Co., New York.) Pp. 482.

THOSE who hope that political science is possible will get much encouragement from this book. For it is a most successful attempt at the analysis of a process as it occurs in a wide variety of institutions in the United States. The method is comparative and it is applied in an area where a genuine basis of comparison exists, particularly in the legislatures of the forty eight States of the American Union. Professor Harvey Walker, who holds a chair of political science at Ohio State University is to be congratulated on producing so thorough, so vigorous and so interesting a study. He is not a newcomer in this field of inquiry—in 1934 he published his *Lawmaking in the United States*—but the present volume, though based upon some of this earlier book, is a new book which takes full account of the developments that have occurred in the legislative process in America during the critical and restless years since 1934.

For the English reader whose interests do not lie in specialised study of American institutions, this book has much of interest and instruction, not only because Professor Walker knows English

institutions well and makes constant reference to them, but also because American legislatures are confronted with problems and situations which resemble those which arise in this country. It is fascinating to see how two systems of government, so alike and yet fundamentally so different, are influenced by similar forces. A few examples may be cited from among many that occur to a reader of this book.

It has been fashionable for a long time in England and America to speak of the decline of legislatures! Whether this was ever true of England, whether in fact the legislature ever did stand so high in relation to the executive as writers suggest, is a matter of argument. In the United States, however, it would seem that there was some such decline but now, according to Professor Walker, "the pendulum of public confidence is again swinging toward the legislative body. Legislatures have much to do in order to merit this new trust, but steps, halting and feeble though they are, are being taken" (p. 365). For those who are used, however, to the almost continuous sessions nowadays of the

British House of Commons, it is difficult to believe that American State legislatures can be effective when their sessions are so short and infrequent. "In forty-two States the legislatures meet biennially" Professor Walker tells us (p. 168), and commonly their sessions are limited to sixty days. Provisions of this kind survive from the days when the public distrusted the legislature. An annual or continuous session, in Professor Walker's view, would appear to be demanded by the needs of the present time (p. 170).

It is interesting to discover that Professor Walker is a strong opponent of second chambers in the American States. Apart from Nebraska, all the States have bicameral legislatures and they provide a rich variety of material for comparative study. Their justification cannot be sought, of course, on federal grounds such as can be adduced in support of the Senate of the United States; the individual states are all unitary. In a most interesting discussion of the record of the State senates (pp. 171-175) Professor Walker says that they weaken the whole legislative branch by wasting time, "passing the buck", giving greater opportunities to sinister vested interests, and by perpetuating an undemocratic misrepresentation of the people in favour of rural interests. "There is not a single argument advanced by the proponents of bicameralism in the States legislatures," he concludes, "which is a valid reason for retaining it." But he adds "We have two-house legislatures and will probably continue to have them for many years." What interests an English reader most in this discussion, perhaps, is to notice the differences that arise in the working of second chambers in America from the absence of the parliamentary executive or cabinet system. In most countries which have a cabinet system the second house tends to become subordinate; there is no possibility of this in the American States and it is just this strength of the second houses which, in Professor Walker's view, makes for the weakness of the legislatures.

It is always surprising to those brought up on the doctrine that service

in the Houses of Parliament ought to be unpaid or at any rate not well enough paid to constitute a "living" to discover how these things are done in Congress—though not in the State legislatures! Since 1946 Senators and representatives in the Congress of the United States receive salaries of \$12,500 per annum together with an annual tax-free expense allowance of \$2,500. There is in addition a travelling allowance which amounts to about four return journeys between the member's home and Washington; free postage; and finally most substantial allowances for administrative assistants, clerks and assistant-clerks. As Professor Walker remarks: "The salary now provided for members of Congress seems adequate" (p. 154). These figures make the salaries of members of the House of Commons seem modest, and the unpaid services of the Lords incredible.

Some other topics of interest can be no more than briefly mentioned. There is a chapter on lawmaking by the executive branch which describes problems familiar here in the attempt to control delegated legislation. There is a discussion of the relations of executive and legislature which may surprise the British reader who is inclined to regard the American executive as weak in comparison with the British Prime Minister and Cabinet. Great stress is laid by Professor Walker on the dangers of administrative tyranny (p. 366). And finally in the lucid exposition of procedure in the enacting of bills, one is reminded once more of the astonishing fact that in the British House of Commons in spite of all that is said about "Cabinet dictatorship" there is a greater participation of the House as a whole in the discussion of legislation and administration than there is in the American House of Representatives. Students of central and local government in this country will find a great deal in this book to interest them and they will find quite often that in attempting to understand what is done in America they come to understand still more what is done in Britain.

K. C. WHEARE.

Introduction to the Study of Public Administration

By LEONARD D. WHITE. (Macmillan.) 1948 (3rd Edition). Pp. 612. 22s.

A NEW edition of this popular introduction to public administration is something of an event. The first edition published in 1926 was a pioneer effort in this field. The second edition came out early in 1939 and was subsequently republished in September 1942 with a supplement on Defence and War Administration. There are two questions which a reviewer might rightly ask at this stage. In what ways does the third differ from the earlier editions and what light do these differences throw on the development of Professor White's ideas.

Let me say straightaway that this is really a new edition and not like some so-called new editions recently published in this country. The facts have been brought up to date (1948) and there is a wealth of references to recent literature. Those who use the second edition will therefore wish to replace it with this new edition, if only for this reason. But the changes go much beyond this. In size the two editions are almost identical but there are important differences in content. The outstanding feature of the new edition is the inclusion of an entirely new Part III entitled *The Dynamics of Management*, containing some 60 pages. On the other hand certain chapters have been omitted—on administrative areas, treasury management, pay and retirement provisions. Professor White's aim has been to raise the level of generality of treatment and to reduce the amount of technical detail, except where such detail must be included to illustrate some general issue.

The new part on the Dynamics of Management is a further indication of the change which has come over the study of public administration in recent years. It is a movement away from the description of a static system to a search for an understanding of the motive forces which make any organisation work. The publication in 1938 of Chester Barnard's *Functions of the Executive* is undoubtedly an important landmark in this change. Professor Herbert Simon, in his *Administrative*

Behavior (1947) has applied substantially the same approach to public administration. My impression is that both these books will have increasing influence on all writing in this field. We have not, however, yet been able to marry this very general approach with the previous approach, which largely depended on a description or study of an actual department or administrative process. And it is not easy to marry the two with any great show of harmony. For Mr. Barnard is dealing largely with intangibles, with attitudes of mind, with a philosophy. Whereas the writer on government is very much aware that certain institutions exist and work in in this way—that staff has to be recruited and trained, expenditure supervised, and so on—that he must describe the institutions which exist for these purposes and that indeed to be perfectly honest the approach by way of a theory of administrative behaviour though providing an important background does not provide him with anything like all the answers to all his questions.

The new Part III shows that Professor White has been reaching out to the kind of social-psychological approach used by Mr. Barnard and Professor Simon. But he deals with such matters as administrative leadership, co-ordination and communication after and not before he has devoted ten chapters to Structure and Organisation (Part II of the book) and therefore it would appear that he has not so far accepted this approach as to allow it to colour the more usual mechanistic or descriptive approach which still dominates these chapters. Moreover he weakens his new Part III by a chapter on planning in which he tries the impossible and unnecessary task of commenting upon, in a few pages, various concepts of planning, and by a rather scrappy chapter on organisation and methods. Neither of these two chapters is strictly relevant to the dynamics of management.

Professor White then still sticks fairly closely to his belief that public administration "consists of all those

operations having for their purpose the fulfilment or enforcement of public policy." His main approach is indicated by such chapter headings as Staff and Auxiliary Agencies, Budgetary, Procedures and Problems, and Promotion and Service Records. This stress on the process of administrative action has many merits for it can be made more definite than a discussion of the process of decision making. (The two approaches are, of course, complementary, not alternatives.) But in being more definite it runs into another difficulty if it obtains its definitiveness by confining itself to the institutions of a particular country. As Professor White was careful to point out in the preface to his second edition his volume is "devoted

to the American system of administration. Despite occasional references to the administrative organisations of other countries, this is not a study in comparative administration . . ." Moreover, it is not merely that his examples are almost entirely drawn from the United States, most of his conclusions, usually implied rather than stated, are based on the experience of that one country and are probably valid only in that country. This limits, but does not altogether eliminate, the benefits of the book for British students, for there is quite a deal of common ground and the student who knows his British institutions well will obtain a clearer grasp of general ideas by looking at this study based on American administration.

D. N. CHESTER.

Unemployment Insurance in Great Britain 1911-48

By SIR FRANK TILLYARD AND F. N. BALL. (Thames Bank Publishing Co.) Pp. 233 + ix. 21s.

FOR one who has been connected with unemployment insurance since 1911 to read this book by Sir Frank Tillyard and Mr. F. N. Ball is to be reminded how interesting the development of unemployment insurance in this country has been. There has been hardly a dull moment in a span of 40 years during which some 35 Acts with innumerable orders and regulations have been prepared and debated. Unemployment insurance is an excellent example of the flexibility of the British legislative procedure. With meticulous attention to detail the law of unemployment insurance has been built up and adjusted to meet many changes in economic circumstances, including the abnormal disturbances of two world wars.

Beginning with the Labour Exchanges Act of 1909 and the National Insurance Act of 1911 the book sets out step by step the development of unemployment insurance through the intervening boom and slump between the two wars to its merger in the comprehensive scheme of national insurance in 1948. Each step is carefully described and the reason for it given. Unemployment insurance has been the subject of several committees of enquiry and a Royal Commission,

while from 1934 a statutory committee has watched over its progress. The findings of these examining bodies are faithfully set out and the consequent legislation is explained.

While the authors have made a careful study of their subject by reference to the various Acts and regulations the narrative is enlightened throughout by the practical experience of Sir Frank Tillyard who, in addition to having served as a member of the Morris Committee of Enquiry set up in 1929, has been for many years a chairman of a Court of Referees determining claims for unemployment benefit.

An early chapter is devoted to out-of-work donation, the true dole, in which connection that very right but hateful phrase "genuinely seeking work" originated. This provision of a weekly grant to tide over the dislocations after the 1914-18 war and to assist the resettlement of both civilians and members of the Forces was necessary because the unemployment insurance scheme was still in its early stages of development. It is a significant comment on that development that after the 1939-45 war it was sufficient to place reliance on the unemployment insurance scheme.

The book brings out quite clearly the differences in the three ways of providing for the unemployed, namely benefit by right from the fund of a contributory insurance scheme, extended benefit in its many forms, including out-of-work donation, paid from the Exchequer without a means test to those clearly in the field of employment, and assistance also paid from the Exchequer but subject to proof of need.

As everyone knows unemployment insurance owes much to Lord Beveridge from the time when just down from Oxford he was sub-warden of Toynbee Hall till he made his famous Report on Social Insurance and Allied Services in 1942. A chapter of the book is devoted to a full account of the work of the Unemployment Insurance Statutory Committee of which Beveridge was Chairman from 1934 to 1944. This Committee in its advisory capacity and through the exercise of its duties about finance practically controlled the development of unemployment insurance during that period. Sir Frank Tillyard contends and it must be conceded that the new

scheme of national insurance owes very much to the experience of unemployment insurance over the past years. It is certain that unemployment insurance needed in its development the hard thinking which it received; the problems of sickness benefit and old age pensions were simple in comparison.

It is a favourite habit to describe the history of unemployment insurance as a very sorry story, but what is progress, if it is not change, experiment and adaptation? Given the changing circumstances, economic, financial and political, and taking the broad view, it is possible to regard the variations in the unemployment insurance scheme as highly successful adaptations, even though many were temporary expedients.

A final chapter describes the unemployment benefit provisions of the National Insurance Act, 1946 and its regulations and a detailed index in large type completes a book which should be read by everyone concerned with public administration.

LAURENCE TIFFEN.

History of Education in Great Britain

By S. J. Curtis, M.A., Ph.D. (University Tutorial Press.) Pp. 407. 12s. 6d.

THIS is a good general history of education, written primarily for training college students; it provides a useful historical background for the educational administrator but it is not an administrative history. The period covered is from the dark ages to 1947, but the major part of the book deals with the last 150 years. There are useful chapters on education in Scotland (this is the first book of its kind to give adequate attention to the history of Education in Scotland as well as in England and Wales) university education, education in H.M. Forces and adult education. Dr. Curtis is particularly interesting in the sections dealing with curricula; his emphasis on the continuity of our educational system from medieval and Tudor times is worth noting.

He refers in Chapter IV to the criticisms of public schools in the period 1810 to 1830; even thirty years later

the *Edinburgh Magazine* (1861), referring to an official report, states that the education at Slough Parochial Union School was superior to that of the neighbouring college of Eton, and adds that unfortunately religious education was neglected at the parochial school so that the moral depravity of the one was equal to that of the other.

I can hardly agree with Dr. Curtis' view that "there was no reason except the conflict between the Churches . . . why a national system of education should not have been evolved in the early years of Victoria's reign" (p. 133). There were in fact powerful social and economic forces which would have prevented anything like a national system being developed at this early stage. No doubt the failure of Sir James Graham's Factory Bill of 1843 was due to religious dissensions, but this Bill would have only applied to a very small number of children. If

a Bill of wider scope had been introduced employers, Tories, Whigs, laissez-faire economists and the voluntary societies themselves, who were interested in maintaining the existing system, would have united to oppose such a measure on grounds quite apart from religious education. Even when the Boards of Guardians had authority to pay for the education of children of paupers on outdoor relief, after the passing of Denison's Act 1855, many Boards refused relief if the children were not taken from school and sent to work.

The one important administrative device of the 19th century for testing the quality and quantity of education, namely the Revised Code of 1862, is, in my view, too severely criticised by Dr. Curtis. The Code did more to retrieve elementary education from a slough of inefficiency than any other measure except the pupil teacher scheme and the grants for college trained teachers. The conditions described by the Newcastle Commission, 1858 to 1861, showed that some drastic measure was needed to make teachers pay more attention to the average child instead of cooking the attendance registers to earn more grant, pandering to parents who paid more in school fees and paying more attention to children who were well dressed instead of educating the ordinary urchin. The Revised Code, though not an unmixed blessing, did good work for ten years at least. A detailed study of its administration might well be fruitful, but, while the Voluntary system continued and until the School Boards as responsible public authorities had become firmly established, some such test as the Revised Code applied was certainly necessary.

If Dr. Curtis is unduly critical of the Revised Code, he does not show himself to be sufficiently critical of the Hadow Committee Report called "The education of the adolescent" which

appeared in 1926. This report with a full array of pseudo-psychological patter and with blessings from teachers and educationists bases its conclusions on the age of 11 plus as the beginning of adolescence. In Mediterranean countries this may be true but in England it is far from true. There were certainly sound administrative reasons for selecting that age but high souled and high minded educationists stooped to the propaganda of the market place when they pretended to be scientific in this matter. It is time our educational historians were more cognisant of this.

Dr. Curtis says of the Education Act of 1944 that it "constitutes the greatest single advance made in the development of education." I rather think that this is an expression of the conventional view. I doubt if the value of that Act can be measured before 1964, but from the talks I have had with educationists its value as yet can only be judged by its aims and not by its achievements. The war, the air raid damage, the social dislocation which has occurred since 1939 have made the system of education worse than it was ten years ago; the administrative tangles of a new Act have only added to the strain placed on educationists everywhere.

Nevertheless, the new approach to the education of the adolescent is something which must be welcomed. About a hundred years ago in a book called *The Philosophy of Manufactures* Dr. Andrew Ure said, "If children and young persons under 18 years of age, instead of being kept the full 12 hours in the warm and pure moral air of the factory, are turned out an hour sooner into the heartless and frivolous outer world, they will be deprived by idleness and vice of all hope of salvation for their souls." There has been considerable advance since those days.

E. E. RICH.

Government as Employer

By STERLING SPERO, Ph.D. (Renssen Press, New York.) Pp. 487. \$5.35.

SOME of the very important problems which we still have to solve in this country are those related to the functions of the Trade Unions. It is accepted

that their role in an increasingly planned society such as ours covers a very much wider field than the simple negotiations of pay and working conditions

but where their responsibilities finish is a matter on which nobody, least of all the Unions themselves, seems to be clear. Just how far management can go in sharing its responsibilities with the unions and how far the unions can reconcile their responsibilities to their members with any sort of responsibility for management are matters upon which a good deal of thinking has still to be done by both sides and this is particularly true in the case of the nationalised industries.

Those who would study these problems may find something of value in this book by a distinguished professor of New York University but I put it no higher than that for the American problem with which he deals is rather different from ours. He poses, as an important problem in the U.S.A. "The conflict between the final authority claimed by government and the rights of its employees to better their wage rates and working conditions." To us that is an academic question for it is conceded in this country that public servants are as free to organise in Trade Unions as are servants of private employers but nevertheless the professor's study of the relationship between management and labour in the American public services has some bearing on our problems.

He traces the growth of trade unionism in the State, Federal and Municipal government services, the Postal organisation, the Police, the teaching profession, the fire services and the naval and military establishments. He shows how the unions right up to the present day have had to contend with very considerable hostility from the authorities arising from the belief that trade union organisation among public employees represents a threat to public authority. That this problem has presented so much more difficulty in the United States arises partly from the fundamental differences between the public services in America and in Great Britain. The separation, in America, of legislative and executive powers with an over-riding authority invested in the legislature means that no agreement between the executive and employees organisations is worth the paper it is written on. This factor

places considerable limitations on collective bargaining as we know it and we find that the unions themselves have been very sceptical about its value. Professor Spero quotes a letter written in 1940 by the President of the State, County and Municipal Workers of America in which he expresses the view of his executive board "That there is less value in the use of contracts and agreements in the public service than there is in their use in private employment and that we should rather proceed by promoting legislation . . .". Political activity and strikes play a much greater part in the activities of the public service unions in America than they do in this country and result in a correspondingly more forceful reaction from the employing authorities. There appears to be a mass of legislation, federal, state and municipal, limiting in one way or another the rights of public servants to organise. As late as in 1946 the City Manager of Rochester N.Y. refused to deal with a newly formed branch of the Federation of State County and Municipal Employees and in effect declared a "lock out" by putting some part of the public works out to private contracts.

Another fundamental difference between the American and British public services is in the extent to which political patronage still governs appointments and promotions in America. "Merit systems" as they are described, operate in many parts of the public service, it is true, but even in those places Professor Spero comments that the politicians are so adept at manipulating "eligible" lists that appointments are frequently not as meritorious as the Civil Service reformers might wish.

Reading this book one cannot resist a feeling of considerable self satisfaction about our own public services, with all their faults, and particularly about our staff relations arrangements. There does not seem to be very much that the Americans can teach us in this field but we may still have something to learn from their mistakes and a carefully prepared study of this nature backed up by a wide experience of the practical problems of the subject must always be of interest to the student of industrial relations.

L. R. MUSTILL.

An Introduction to Public Administration

By E. N. GLADDEN, M.Sc. (Econ.), Ph.D. (Staples.) 1949. 12s. 6d.

DR. GLADDEN'S title is (as he freely admits) a little misleading. This is an introduction to Public Administration in England (excluding the rest of the United Kingdom and its dependent territories), with a few additional chapters which pose some awkward problems in the theory of administration.

The book is designed for beginners, but mature and sensible beginners; they will find that it is excellent on the Civil Service and on the organisation of the Central Departments, clear but brief on Local Government and Public Enterprise, very inadequate on the Administrator's relations to his Minister, to the Cabinet and to Parliament. Dr. Gladden's eye is placed at the level of a Principal or a Chief Executive Officer receiving a relatively simple and concrete directive and considering how he is to execute it; it is valuable to have this view so knowledgeably stated, but Dr. Gladden hardly allows enough space for the immense administrative labour which is necessary before any such directive can be issued.

The book is illustrated by useful charts and diagrams, and there is no doubt that these will be borrowed and imitated extensively by teachers. A good chart (for instance, that of the origins and genealogy of our administrative departments) can save thousands of words of extremely tedious text or lecture; what is more, it is easy to read and to remember, and it lies open to the eye for immediate reference. A proper supply of such "visual aids" would spare us a good many of the dull preliminaries in the teaching of public administration.

Dr. Gladden has suffered, like everyone else, from the delays of publication. A good many details are out of date and most of these points have had to be picked up cursorily, in footnotes and annexes; but there seems to be only one serious error, and that is so obvious that it must surely be a misprint. The chart on p. 69, which shows lines of promotion through the Civil Service, makes a clean cut between the Executive

and Clerical Classes and the Administrative Class. This is unfortunate at a time when perhaps half the Administrative Class have been appointed by promotion and when it is settled policy that at least 25 per cent. will be so appointed in future.

Two much less important errors; the Watch Committee of a borough is not (as is suggested on p. 13) a joint committee of the council and the justices; and (as Mr. Keith-Lucas recalled in a recent number of PUBLIC ADMINISTRATION) the position of boroughs as regards "*ultra vires*" is much more complicated than one would guess from the brief statement on p. 114. There is also perhaps (on p. 29 and the following pages), some confusion over the rather puzzling position of a Minister who possesses "Cabinet rank" but is not a member of the Cabinet.

But these are small matters, and it would be much better fun to join issue over Dr. Gladden's approach to the theory of administration. There is space here only for one point. We are all with him in recognising the immense importance of administration and the urgency of setting to work to study it methodically; nor should we despair if we begin our study with rather a rough and ready idea of what administration is. That (after all) is what we are trying to find out. Nevertheless, Dr. Gladden's provisional assumptions about the nature and role of administration seem too shaky to bear much weight. On the one hand, his life-line is the traditional creed of the British civil service, that policy is made by elected persons to be carried out by permanent officials, and that this executive work is what we mean by public administration. Dr. Gladden is thus, in principle, modest in his claims for the administrator, but at the same time he has a great and proper pride in his profession. Administration, he says in his last chapter, could be defined as "getting down to brass tacks": the "real" work of government (he implies) is that done by administrators, the "practical man"

ought to rule, not the "philosophers and politicians."

These two assumptions, one modest the other self-confident, do not run easily in double harness, but they are both strongly held in England, on all sorts of levels: and one result of them is that in expounding our institutions we habitually take the unity of English government and hack it into two awkwardly overlapping text books. One

of them is called "The British Constitution" and belongs to the lawyers and politicians": the other is called "Public Administration" and is reserved for permanent officials. Yet we know well enough that in action it is disastrous to separate the work of the politician and the work of the administrator; surely an exposition based on such a division is likely to set us wrong at the outset?

W. J. M. MACKENZIE.

Parliament and Foreign Policy in France

By JOHN ELDRED HOWARD, B.Litt., M.A. (Cresset Press.) 1948. Pp. 172. 10s. 6d.

THE sub-title of this book is: A Study of the Origins, Nature and Methods of the Parliamentary Control of Foreign Policy in France during the Third Republic with special reference to the period from 1919 to 1939.

Mr. Howard's scholarly study of how French Parliaments controlled and tried to control foreign policy between the two wars has several defects as an excursion into general political history or constitutional explanation of how the Third Republic worked. Its methods are essentially juridical, its concern is mainly with the formal arrangements, its asides on political development are seldom original and not always accurate. Yet these limitations detract little from its value as a study in administrative technique and the peculiar problems which confront any representative assembly which essays to control so intractable a sector of executive power as foreign policy. In this respect it is both scholarly and helpful to the student of public administration, for the experience of pre-war France is of lasting interest and value as material for the political scientist.

After a general historical introduction to the French traditions of representative government and parliamentary control over policy, most of which is admirably clear and apt, the author describes in turn the general framework of control by the Chambers over foreign policy, the Structure and Functions of the Committees of Foreign Affairs, and the special problems of ratification of treaties and the initiation of war. These chapters which form the core of the book, are a

clear and competent exposition of a complex arrangement. In theory the President controlled foreign policy; in effect the ministers wielded this power, subject to requiring legislative sanction for certain acts and subject, too, to the general restrictions (severe enough in the Third Republic) of ministerial responsibility to parliament. Mr. Howard shows how these restrictions operated, how the system of collapsible cabinets was powerfully offset by a high degree of personal ministerial continuity at the *Quai d'Orsay*, and by the power of the permanent officials, and how the Committees of Foreign Affairs might influence the direction of foreign policy. On the last point, his conclusion is that the Committees "do not appear either to exercise over the Government any control which ought not to be exercised by Parliament, or to take from the Chambers any function that would not be neglected if left entirely in the Chambers' hands."

In his final verdict Mr. Howard endorses the judgment of Boissier, that "the French Parliament possesses all the instruments necessary to exercise an effective control over foreign policy; if it finds them insufficient it depends solely on its own will to multiply and perfect them." Yet there are, as the author shows elsewhere, inherent limitations to the effective control of popularly elected assemblies (or of the electorate itself) over the conduct of foreign policy. There is a limit, both in principle and in practice, to the degree of publicity in diplomacy: and this limit restricts popular control. The work

is diminished in value by the self-imposed concentration on the period 1919-1939, and further by the author's refusal to revise former judgments in the light of experience since 1939. Thus, his too easy dismissal of the relation between public opinion and policy with the comforting statement that "there has always been a fundamental agreement, shared by the whole nation, as to

what should be the object of French policy", seems more than ever dubious since 1940. But despite this narrowing of vision and judgment, which colours the whole book, it is a handy exposition of the methods and problems involved, such as any student of comparative administration will welcome.

DAVID THOMSON.

Whitehall 1212—The Story of the Police of London

By RICHARD HARRISON. (Jarrolds.) 15s.

MR. HARRISON hopes this book will appeal to three classes of persons: the reader who takes a normal interest in the work of the police; the student of crime, to assist him in reading between the lines of the Press and novels; and the writer of detective fiction, to save him from the inaccuracies that the author himself claims to have escaped. One wonders which of these classes will be interested in knowing that policemen's false teeth are made in the Lambeth Road, or that two football cups have been won by the Tooting Division of the Metropolitan Police during the last three years. Not quite all of the book is on this level: it may be of use to writers of detective novels and it may help the general public to appreciate some of the difficulties of police work and the contribution made by Forensic Science. But that is the most one can say. It is certainly of no interest to students of public administration. The

author has filled the pages up with anything that came his way: from lists of police officers who train recruits, to accounts of famous cases many of which have been better written about elsewhere. Controversial subjects which are of topical interest are dismissed summarily, e.g. it is "abundantly clear that crime does not pay in England" today, or "pay is good". The author defends the Press against charges of sensationalism in the presentation of crime news by attributing such charges to "pseudo-intellectuals", but this defence is seriously weakened by the glimpse of the author's standards which his own style affords.

One wonders why Scotland Yard has granted Mr. Harrison the special facilities which have helped him to write this book: the Commissioner of Police can hardly approve of the boosts it gives to many individual officers.

J. HART.

Book Notes

Problems of Growth in Industrial Undertakings

By L. URWICK. 1949. Pp. 44. 13 charts. 5s. post free.

The Organizational Structure of Large Undertakings. Management Problems

By SIR CHARLES RENOLD. 1949. Pp. 39. Chart. 2s. 6d. post free.

THESE are numbers 2 and 3 respectively of the Winter Proceedings of the British Institute of Management.

Management Through Leadership

Various Authors. (Institute of Industrial Administration. Sheffield Centre.) Pp. 158. 2s. 6d.

THIS book contains a series of lectures given to the Sheffield Group of the Institute of Industrial Administration. The leadership principle is strongly stressed throughout and the numerous photographs of the platform remind one of photographs of entirely different organisations very much to the fore in this country and overseas during the

ugly thirties. The contributions nevertheless are outstanding and among those who lectured were Lt. Col. Urwick, General Sir William Slim, Sir Charles Renold, Sir Charles Bartlett, Sir George Chester, Sir Frederick Bain and Sir Harold West. In addition to the papers contributed there is also a report of the discussion.

Palmer's Company Guide

By J. Childsworth, LL.D. (Stevens & Sons Ltd.) Pp. 276. 6s. 6d.

PUBLISHED under "This is the Law" series this thirty-sixth edition incorporates provisions of the Company's Act, 1948.

Parliamentary Government in England

By HAROLD J. LASKI. A commentary. (Allen & Unwin.) 1948 (Third impression). Pp. 453. 15s.

THIS new impression of Professor Laski's classic, first published in 1938, will be welcomed by many who have

been unable to secure a copy recently, although the last impression was issued little more than three years ago.

The Law and the Constitution

By Sir W. Ivor Jennings, Litt.D., LL.D. Pp. 314. 8s. 6d.

WE welcome the reprint of this book which is still in great demand.

Grammar of Politics

By HAROLD J. LASKI. (George Allen & Unwin.) 1948 (Fifth Edition). Pp. 666. 18s. THIS is another book which students will be glad to know is again available.

A History of Political Thought

By PHYLLIS DOYLE. (Cape.) 1949 (Second edition). Pp. 319. Bibliog. 15s.

THE first edition of this work was issued in 1933, and the great changes which have occurred in political institutions, particularly the totalitarian state

and the international state are indicated by Miss Doyle in an epilogue. Otherwise the work is unchanged, except for a short addition to the bibliography.

British Public Utility Services

By D. N. CHESTER. (Longmans.) Pp. 32. 1s.

THIS is a further booklet in the British Life and Thought series published for the British Council. It deals with the ownership, operation and control of

gas, electricity, transport and water during the course of which it reviews certain problems and controversies.

Outlines of Law for Social Workers

By A. C. L. MORRISON, AND E. L. THACKRAY. (Butterworth.) 1949. Pp. 323+26. 10s. 6d.

THE object of this work is to help social workers to inform an applicant, in general terms, what his legal position is, and to be able to suggest what further advice should be sought. Twenty categories of subjects are covered by

the authors named, with the help of other specialists, and the work should be a convenient reference volume for probation officers, workers in clubs, institutes, settlements and the like who are called upon to give first aid to applicants.

The Principles of Planning Law

By J. Charlesworth. (Stevens & Sons.) 1948 (Second edition). Pp. XVI+164. 12s. 6d.

THE passing of the Town and Country Planning Act, 1947, has necessitated the complete re-writing of every chapter of

the 1946 edition, except that dealing with housing.

The Law of Housing

By SIR W. IVOR JENNINGS. Third edition, revised and edited by Harold Marnham with chapters on housing finance and accounts and financial notes, by Frank E. Price. (Chas Knight and Co.) 1949. Pp. LIX.+847. 63s.

THIS new edition continues to deal with the subject in four parts: Part I is a general survey of the Housing Acts: Part II is devoted to the Housing Act, 1936, and takes up the greater part of

the volume: Part III covers other enactments relating to housing: Part IV orders and circulars. Mr. Price's financial notes, much expanded, are again a valuable feature.

Landscape and Housing Development

Bournville Village Trust. (Batsford.) 1949. Coloured frontis. Pp. 55. 26 illus. Bibliog. 6s.

THIS volume attempts to collect and set down certain ideas about landscape treatment in residential areas. These ideas relate entirely to the practical experience of the Bournville Village Trust during the last fifty years and

thus are the result of a long series of practical experiments in landscape architecture. Street layout, open spaces, grass strips, house gardens, as well as the kinds of road trees found most suitable, are the topics discussed.

Our Own Country

By B. A. HOWARD, M.A. (Sir Isaac Pitman & Sons Ltd.) Pp. 108.

MR. HOWARD is a headmaster and has written this book primarily for readers of 14-16. It is an introduction to civics and approaches the subject from the

point of view of the growing division of labour. It is simply written, but does not over simplify.

Children in Need

By MELITTA SCHMIDBERG. With an introduction by Edward Glover. (Allen and Unwin.) 1948. Pp. 196. 12s. 6d.

In this work the psychiatrist at the Institute for the Scientific Treatment of Delinquency, London, describes psychiatric and social methods of treating difficult children and their parents. The Curtis Report brought to light some of the shocking conditions which beset the homeless child, and made many recommendations to meet them. Dr. Schmidberg goes much further than the Curtis Report. She disapproves of imprisonment for neglectful parents and the breaking up of homes. Approved schools are criticised and foster homes suggested as a far better substitute. The

placing of children in institutions under present regulations is likely to lead to knowledge of new crimes, and isolation from the opposite sex likely to create severe psychological ill effects. A far better remedy than the creation of good conditions in institutions is the maintenance of the child's own home. Emphasis on this point is one of the outstanding features of the book which will undoubtedly cause much discussion among those who are anxious to find a way to make the delinquent child a good citizen.

The Social Services in Action

Edited by MISS C. V. BUTLER. (Oxonian Press.) 1949. Pp. 100. 4s. post free.

A collection of short papers by 25 former students of Barnett House, Oxford. Writing about their experiences

in their job, they cover a wide range of social work.

Social Service, March - May 1949

By NATIONAL COUNCIL OF SOCIAL SERVICE. 2s. 6d.

SIR LESLIE SCOTT, in his article "By the People", surveys local government yesterday, today and tomorrow, and emphasises the fact that local government remains essentially different in its nature and scope from central government, and that it affects the welfare of the nation so directly as to make it a large and vital part of our constitution.

Therefore, it ought always to be preserved and maintained in that degree of independence of central government which is essential to enable local people to manage their own local affairs through the authorities they elect, within such reasonable limits as may be defined by Parliamentary legislation.

Naidu (B. V. Naraysaaswami) Madras finance (Sir William Meyes Endowment Lectures, 1947-48)

(Madras University.) 1948. Pp. 140. Rs. 5.

THE six lectures, published in the form in which they were delivered in January, 1948, are concerned with the financial consequences to the tax revenue of the land policy and prohibition, and with the potentialities of the other items of taxation such as income-tax, tobacco, commercial enterprises, etc. The disappearance of the excise revenue is

only a question of time, while the land revenue is almost certain to diminish in yield. Mr. Naidu argues that the income from electricity duty will dry up completely when all the electricity supply is nationalised, while the proposed prohibition of betting on races, even within the racecourse enclosure, will be a severe blow to revenue.

A Textbook of Indian Administration

By M. R. PALANDE. (Cumberlege.) 1947 (Tenth revised edition). Pp. xx+435. Bibliog. 11s. 6d.

THIS work, which has gone through nine editions since 1926, is a standard textbook for students at Bombay and other Indian Universities. Revised up to July, 1947, it does not contain detailed accounts of the working of the two new

administrations, but the introductory matter gives a brief survey of all important developments that have taken place recently, including the passing of the Indian Independence Act, 1947.

Bureau of Governmental Research and Services Report No. 91

Washington State Government: administrative organisation and functions, by DONALD H. WEBSTER, Director, and others. (University of Washington Press, Seattle.) 1948. Pp. 113. \$2.50.

A CONCISE report showing the organisational framework, existing functions, and the operation of the various components of Washington State Government.

The Tax Foundation (U.S.A.). Facts and Figures of Government Finance

1948-49. Pp. 143. 10 charts, 104 tabs.

THIS useful volume makes available in convenient form the most important current and historical statistics relating

to the fiscal operations of United States federal, state and local governments.

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Municipal Management

In this issue Mr. Louis Brownlow reviews the present position of the City Manager movement in the United States. He shows that the movement in which he was one of the pioneers continues to make steady progress. There are now 594 City Managers in the United States, an increase of 237 since 1931. Though it is still not the most usual form of municipal management, it has clearly long since ceased to be an experiment; in the United States the idea is now firmly established.

So far, however, the idea has not bulked large among American exports. True there are sufficient City Managers in Canada to give the movement an international flavour and there are four examples in Eire. But no British local authority has adopted the method though it would be well within their powers to do so with perhaps one or two adjustments. There have been cases in which a Town Clerk, or in one or two cases, a Municipal Treasurer has so enjoyed the confidence of his Council as to be a clear head and shoulders above the other chief officers. But there are two very important differences between the position of the City Manager and that of the Town Clerk (or other chief official in Britain) however much the latter may enjoy the confidence of his Council.

First, the superior position of the American City Manager is recognised by his clear responsibility to the Council both for the appointment of all the other officials and for the policy of all the various departments. Second, whilst the elected Council are responsible for major decisions of policy, it is clearly understood that the Manager is given a free hand by the Council in carrying out the policy.

British local government is in marked contrast. The official at the head of each department is usually responsible to a Committee of the Council and, through that Committee, to the Council. He is appointed by the Council usually on the advice of the appropriate Com-

mittee. And it is the use of the Committee system which enables the elected representative to bring the democratic element not merely into broad issues of policy but also into the everyday happenings in the Departments. None of these features would be readily given up or changed unless it could be proved that real gains would accrue in other directions. It is not just a question of habit or custom. There are undoubted advantages in the present system. The clear responsibility which rests on the shoulders of each chief local official for his Department and the close and direct contact he enjoys with the elected element—these are features which would not be readily given up by either the officials or the Councillors unless the interposition of a super official could be shown to increase the efficiency of all aspects of the authority's administration.

It may be thought that there may be some parallel between the City Manager and the Permanent Secretary of one of the central departments. But certainly so far as the major Local Authorities are concerned the range of their functions necessarily involves the formation of several departments. Indeed, the administrative problem with the largest authorities is similar in character to that of the central government—to secure proper co-ordination between departments, not within a single department. In the case of the central government, this interdepartmental co-ordination is brought about by various methods, principally through the activities of the Cabinet and of the Treasury. If this is any pointer for local government so far as officials are concerned it points in the direction of the strengthening of the functions of the Municipal Treasurer rather than the creation of a City Manager.

Any movement towards some form of City Manager system in this country would immediately raise the question of the position of the Town Clerk. At the moment he is chief secretary and legal

advisor to his Council and the normal means of communication between the Council, government departments and other bodies on matters of general importance. By virtue of his many contacts with the leading personalities on the Council he is able to exercise a general influence. Few people here would wish to change this system for

the City Manager system. And if there are those who, in the case of the smaller authorities, would readily increase the powers and status of the Town Clerk to bring him more nearly into the position of a city manager it is unlikely that they would accept the prevailing notion that only those whose initial training was as a solicitor were fit for such a position.

Local Statistics

We have received from the County Treasurer of Derbyshire an extremely well-produced booklet giving statistics and data about the administrative county. A good deal of this information is not available in any other publication. Moreover great use is made of coloured diagrams to make the information more readily understandable. Here is a publication useful to the citizen and to the student. It costs 2s. and can be obtained from the County Offices, Derby.

We are aware that many other

Treasurers issue similar booklets, Manchester and Nottinghamshire for example. The fact that they are the work of the Treasurer shows both the close connection between his work and the whole of the Authority's activities and the important responsibility he has in keeping the public informed of the way their money is spent. The booklets are an important original source for the researcher into Local Government and we would welcome copies from other Treasurers for the Library of the Institute.

Our Contributors

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*How Should We Train Our Administrators?

By A. P. SINKER

The word "administration" covers a wide range of meanings. At one end of the range it covers almost any kind of office work: running something—simple or complex—according to the book of rules. At the other end of the range it means helping to make policy—sometimes on a nation-wide scale; directing the execution of existing policy; and keeping an eye on the whole machine to see that it runs smoothly and effectively. It is the upper end of the range that I propose to talk about. The kind of people needed for the job of administration in this sense are the kind of people there are never enough of. This is especially true today owing to the growth of large organisations in the public services and in both nationalised and private industry. Then there is another reason for the shortage, which we sometimes forget. Many of the people who would have been at the top of the tree by now or near it were killed in the first war, and this has had a double effect; not only are their places vacant, but those of us who belong to the succeeding half-generation or so have missed throughout our adult lives the benefit of their leadership and example. We can't fill their places. But, looking ahead, how are we going to produce enough people of the right kind to fill these places in the years to come?

First, let us get the time-scale right. This is not a problem we can solve just by sending people to training courses. The time-scale is that of forestry rather than that of a sausage factory, however well-planned. And it is as a problem of human forestry that I should like to consider the training of administrators.

What kind of timber do we want—what are the things that administrators are wanted to do? I have based my list of things mainly on my own observations in the civil service, and must leave you to judge how far the list is relevant to the kind of organisation with which you are most familiar. Much, of course, will depend on size, though even a small organisation may from the nature of its

business and responsibilities require administration of a very high order.

Top of the list I would put this: it is the administrator's job to look at his problem from the point of view of the consumer, both the special public with whom his Department deals and the man in the street. You may say that so far as Government Departments are concerned this is the job of the Minister, and that civil servants are only there to provide him with expert advice. Perhaps there was a time when this was true. But the increased complexity and volume of work means that the Minister can no longer bring the consumer's point of view to bear on all the problems where it is needed: he requires extension so to speak down into the body and the limbs of the organisation. For this the Minister must rely on his permanent administrators not merely to provide automatic service but to act as a sensitive nervous system. An important part of the expertise administrators have to acquire—and preserve—is an understanding of what ordinary people want and do not want from Government. In a sense they have to become professionals without losing amateur status. This is not so easy as it may sound. You can recognise one of the symptoms of failure where you find the loss of the ability to use plain words.

Next on the list I would put a phrase which I borrowed from Sir Hector Hetherington, when he wrote in *The Times* a few years back about the Administrative Staff College. He said the administrator must be able "to hold in mind a total and perhaps distant situation." This implies to me a two-fold operation: looking forward in time, and looking sideways at the other chaps engaged in other parts of the field. Looking forward in time is a dangerous operation in the hands of anyone who thinks he is good at it. But the administrator has to try to do it: and perhaps the ability to look backwards in time—that is, some understanding of history—is one of the best ways of

* Broadcast in the Third Programme on Sunday, 19th June, 1949.

ensuring that he is conscious of his limitations. Scepticism without paralysis perhaps describes what is required. Then looking sideways. Consultation with others, co-ordination, is one of the administrator's main jobs. And nowadays, he has to look a very long way in all directions because a slight shift at one point may upset the balance all over the place. So the administrator has to be a good member of a team or, if you prefer a less overworked expression, of an orchestra. The prima donna is a useful person in the right circumstances, but not as an administrator. (Incidentally, and as a digression, prima donnas are singularly scarce in the civil service; but there is a minor occupational disease called H.M.V.—His Master's Voice—which occasionally afflicts young men who have served for too long as private secretaries to V.I.P's. They usually grow out of it.) To go back to the orchestral point, and put it in another way: the administrator has to look at his problems from the viewpoint of the Cabinet as a whole or indeed of Parliament, and not only from the point of view of his own department. At an inter-departmental meeting you can quickly spot the people who are trying to do this.

I have only time for two more points on this list of requirements, before turning to the question of how can we produce what is required. First, the administrator has to collect a lot of facts: indeed, he must have a passion for ensuring that all the relevant important facts are considered before a decision is made (though he will often have to subordinate this passion to the time factor). Civil servants are sometimes thought of as eunuchs because they do nothing but provide the material for other men's decisions: I think the answer of the administrator would be that if he collects all the relevant facts and bases his advice firmly on them, the facts themselves impose the decision in the great majority of cases. In any case his passion for facts must be stronger than his personal prejudices and enthusiasms.

Second, the administrator has to get things done as well as plan. Indeed, like induction and deduction in scientific

thought, the one fructifies the other. So far as the civil service is concerned, the need for executive ability and leadership in the administrator has become clearer than it used to be, owing to the more active role that Parliament has in the course of the past generation or more assigned to the civil service.

So far I have felt fairly happy—trying to describe what is required of an administrator and perhaps looking at existing administrators through rather rose-coloured spectacles. Now comes the more difficult part of the exercise—to answer the question, how are we going to train these paragons? I hope you will not think I am side-stepping when you hear the answer I am going to give. My present job is wholly concerned with training and probably therefore I have developed an exaggerated idea of its efficacy and importance. But in spite of this, my answer to the question comes mainly to this: "Select your administrators right and they will very largely train themselves." To put it another way and to use the language of popular science, I think it is mainly a matter of chromosomes—of native ability rather than acquired ability. The first thing is to pick winners.

The art of picking winners is not one that I am particularly qualified to speak about, and although we all think we know something about it—whether on the race-course, in matrimony, or elsewhere—I am not going to get side-tracked on to the fascinating subject of designing tests for talent-spotting. Even more important than designing tests is to decide where to look for your potential winners.

Administrators in the civil service are drawn from two main sources: from the Universities and, by promotion, from the other grades of the service, and the present proportion is about 50:50. The arguments in favour of growing your own timber are well known in all organisations; certainly the value to the civil service of the men of exceptional ability who have risen from the ranks into the administrative class needs no emphasis. The other source of supply—the Universities—is not widely used outside the civil service. Of course,

industry recruits many engineers and scientists from the Universities who later may pass on from specialised jobs to general administration; but the system of recruiting able people—irrespective of the subject they have studied—direct from the University into administrative posts is still the exception. I propose, therefore, to say a little about its advantages.

The first point is so simple that it is sometimes overlooked. It is going to be of even greater importance in the future than in the past. To do the kind of things I have been talking about administrators must have a fair supply of grey matter. If you are looking for grey matter, the Universities have after all done a job of pre-selection for you. They have creamed off the best of the schools and have then done a further job of sorting people out by awarding first, second and third class honours on University examinations. They can also give a lot of other information about a man's qualities outside his work. This pre-selection by the Universities is not infallible and you certainly cannot count on finding intellectual ability in every graduate; but the field of University graduates is not a bad place to start looking. If the present plans for the expansion of the Universities are effective, bright boys and girls who before the war went straight from school to work will now go to the University; and employers who rely entirely on promotion from the ranks will before long be faced with the problem "Is there as much promotable material as there used to be?" If not, the Universities will be the place to which to look.

There is a second point about looking towards the Universities which I should like to put in the form of another question. Can a University course, irrespective of the subject studied, be a useful preparation for administrative work? I don't want to be dogmatic about this, because having been a don I am naturally biased. But I think the answer is yes—for many reasons, from which I will choose a few. A man who has made good use of his University education will be able to distinguish between knowledge and half-knowledge; he won't be afraid to say "I don't

know"; having mastered one subject he will know how to master others; when confronted with new and difficult material he will ask the right questions; and he will be accustomed to thinking in terms of more remote effects as well as immediate effects. The subject he has studied is relatively unimportant: but, other things being equal, I think the humanist has an advantage because administration is after all more concerned with people than with things. A University education has of course its dangers for the administrator: for instance, it may encourage a tendency to deal too much in abstractions, and this may have to be corrected by subsequent training.

Suppose, then, that we have chosen as our future administrator a man of good intellectual ability, able also to co-operate effectively, and having made good use of a University education. What further training is required? I will try to generalise about civil service training, but I must leave you with the question, how far does this apply elsewhere?

Training courses can be valuable provided the trainees are given the opportunity to take an active part and are not just required to sit and listen. But courses are the top-dressing and not the root of the matter.

To describe the root of the matter I should like to borrow a phrase which has become widely known in another context—"challenge and response." Confront the young administrator with a challenge, and when he has shown that he can respond, confront him with another, and another. In other words, give him responsibility early and when he has shown that he can carry it, transplant him to deal with a different set of problems. By this means you will enable him to grow to full stature; and if the responsibilities are sufficiently varied you will give him the opportunity to counteract his weak points as well as to develop his special abilities: the tree will not become lop-sided.

What else? If possible, and at an early stage, front-line experience. The value of this is no less in a civilian organisation than in the Fighting Services. Let him learn at first-hand the customer's point of view by dealing with

the public across a counter or a desk, and learn also some of the difficulties of the men who have to put Headquarters' plans into execution at the circumference. Then a spell in the private office of a Minister or Permanent Secretary, where he will get a bird's-eye view of the Department's work and will see how administration gears in with politics. Another spell in a personnel branch, where he will learn something of the human problems inherent in any large organisation ; and in a finance branch where he will learn to be hard-headed. (Of course, all these will not be possible for everyone but all are valuable.) In every post much will depend on his senior officer, and not only on what he says by way of explanation, encouragement and advice, but also on the scope he gives for self-training by delegation of responsibility, and above all on example.

Later on, it may be a good thing to give him a chance to stand back from his day-to-day work, to make wider contacts with people with industrial or other

experience, and to acquire fresh ideas. Perhaps in his 30's, the promising administrator may be selected for a spell of paid sabbatical leave which may mean travel abroad or a course at the Imperial Defence College or the Administrative Staff College at Henley. The value will be long-term rather than immediate, and the intention will be to help him to prepare himself for one of the posts near the top.

Now all this comes down to a truism, namely, that the training of administrators consists in providing them with opportunities to learn for themselves. And success will depend chiefly on right selection in the first place.

Can we possibly produce in the future enough timber which comes up to the specifications I mentioned earlier? Well, I don't know : but I see two reasons for hope—this country has a pretty good soil and climate for this purpose, and in the last few years I have seen quite a lot of up-and-coming timber amongst those who, happily, returned from the second war.

The City Manager in the United States

By LOUIS BROWNLOW

Among the mysteries about America none is more marvelous than the process by which we work out a national pattern, and achieve ends that are universally recognised as American, without having—for many purposes—a national government.

We have, for example, an American system of free public schools, supported by taxation, from the kindergarten through the university. Attendance at these schools in the elementary and secondary grades is compulsory. There are no scholarships. There are no fees. Textbooks are provided free, and, in most rural areas, so is transportation. This gigantic educational system is not of equal quality throughout the country. In some sections minority groups are not afforded fully equal facilities, and the system as a whole reflects regional cultural differences. Yet it is essentially a national system. And yet the Federal government, which so often is inaccurately called the national government, has never had anything to do with it.

The school system is operated by approximately 110,000 independent school districts, supervised by 48 state governments, controlled by conditional grants-in-aid from state treasuries, and inspected and disciplined by non-governmental voluntary associations of school administrators, school teachers, and parents. (And today the main issue about federal grants-in-aid to education is not whether to give the money, but how the Federal government may do so without exercising any control over education.) These 110,000 school districts make up much the largest functional block among the 155,000 local government units existing in the United States.

So also with municipal government there is a national pattern, even though each of the 48 states has a different system of law relating to municipal government, and even though most of them allow each city to determine for itself—to a large degree—the extent

of its municipal powers and the form of its organisation.

It should be remembered that in American usage the word "city" is a generic term used in ordinary speech to describe any urban aggregation of people or any place that has been granted by a state legislature the powers of a municipal corporation, whether by individual charter or under general law. Thus, New York with a population of almost eight million is a city. Also Teterboro, New Jersey, with a population of nine, is a city. Teterboro, from the flats of Hackensack Meadows, looks up at the New York skyline. New York cliff dwellers look down on Teterboro. It does not occur to either that there is anything incongruous in the fact that in common parlance both are cities. A more precise term in common usage for such an incorporated place is "municipality," and thus we have, in most of the states, municipal governments banded together in Leagues of Municipalities. But the words "city" or "municipality" are never used with respect to a county, however urban that county may become. The stratified structural arrangement, which does not indicate any corresponding hierarchical arrangement, is: (1) the Federal government, (2) the state government, (3) the county government, (4) the municipal government. However, the municipal government may be, and usually is, divided among different agencies, as, for instance the city, the school districts, special drainage districts, flood control districts or the like. The phrase "local authorities", as used in England, is unknown in the United States. If it were used in ordinary conversation, it would be taken to refer to the members of a local police department or fire department, to the health officer or the tax collector, or such other functionary as might be indicated by the context.

Furthermore, a city or municipal government is taken always to mean the sum total of all its people and all its area, as well as its governing officials.

Thus the city council is the governing body of a municipal corporation, but it is never of itself the corporation. The counties are subdivisions of the state. In the six New England states, they have few powers or duties except those connected with the judiciary. In Louisiana, they are not counties at all, but parishes. In but one state, Virginia, may the counties assume full municipal powers.

The 48 sovereign states themselves are united in a federal republic which guarantees to the inhabitants of each state a republican form of government. But with that exception, the people of any state may do as they please with their own government, with the government of their counties, and with the government of their cities.

There is, in spite of this diversity, something like an American system of municipal administration, a system that is based on three principal forms of municipal organisation. The mayor and council form of government is still the prevailing standard and numerically predominant. Its rivals, except for a few survivals of the town meeting scheme in New England, are the commission form of government, which was adopted in many cities in the first two decades of the century, and which continues in a number of municipalities, but which now is rarely adopted, and the council-manager form (more often, though less properly, called the "city manager" plan), which exists in approximately 900 cities, towns and counties, and is being adopted with increasing rapidity. (The plan tends to spread outside the borders of the United States. There are 38 city managers in Canada, of whom 33 are in the province of Quebec. There are four in Ireland.)

When, eighteen years ago, in 1931, I wrote an article on this subject for

PUBLIC ADMINISTRATION,¹ the number of city managers stood at about 350. From that time onward until after the end of the War, the number of cities adopting the city manager plan (nearly all by direct vote of the people) ran around 20 a year; but in 1946 there were no less than 62; in 1947 there were 75; and in 1948 there were 82.

Perhaps this bald figure lacks significance unless contrasted with the number of those places in which the people might have decided to have a city manager but did not do so. Unfortunately, it is not a simple thing to get that figure.

For instance, there are included in the total number of city managers above, some fifteen who actually are managers of counties. Some are managers of townships or New England "towns"—rural, unincorporated units of government. Since there are 3,050 counties in the United States, and some 19,000 organised townships, it is clear that the manager plan has made little progress in these types of local government.

Over 700 municipal corporations have city managers, but there are no less than 16,220 such places in the United States. The greater number of these places have less than a thousand inhabitants and are really but rural villages despite their possession of full municipal powers.]

The table which I used in 1931 excluded all the places with a population under 2,500, and at that time the total number of council-manager governments was 357. In a period of 17 years (if we again exclude the municipalities under 2,500), the comparable number had increased to 594 by the end of 1948. The distribution of this increase by population groups is indicated in the following table:

Population Group				No. of Cities in Group		Cities with Council-Manager Plan			
						Number		Per cent.	
				1931	1948	1931	1948	1931	1948
2,500- 10,000	...	...	...	2,183	2,381	174	316	8	13
10,000- 25,000	...	...	...	606	662	107	164	16	25
25,000- 50,000	...	...	...	185	212	34	58	18	27
50,000-100,000	...	...	...	98	106	23	34	23	32
Over 100,000	...	...	...	93	92	19	22	20	24
				3,165	3,453	357	594	11	17

The percentage of cities that have adopted the council-manager form of government has increased in every one of the brackets, but more rapidly in those cities that have a population of more than 10,000 and less than 100,000. One fact not disclosed in the table is that not one of the 14 cities having a population of more than 500,000 according to the 1940 Census, now has the council-manager form of government, although it was adopted at one time by Cleveland, Ohio (population 878,000), to be later repealed in a referendum.

Let us see first what are the main principles of the council-manager or city-manager plan, then consider how it has come into existence and spread as it has, and finally note two or three things about it that may be of special interest to British readers.

The council-manager plan of necessity varies with the laws of the states in which it is adopted, but it nevertheless has maintained certain distinct and general characteristics.

As the International City Managers' Association described it, "The central idea of the council-manager plan, to put it simply, is a far-reaching attempt to resolve the apparent conflict between democracy and efficiency. Democracy is preserved in the popular election of a small council, on a short ballot² which does not overtax the capacity of the citizen to understand his government. Efficiency is achieved by the employment of a manager professionally trained for the technical job of administration. The danger of bureaucracy irresponsible and unresponsive to the will of the community is met by giving the council complete control of the manager's tenure in office."

In the typical city, the voters elect all members of a rather small city council—with perhaps five to eleven members. The election is held at a separate time from state and national elections, party politics plays no part in the campaign, and party labels do not appear on the ballots.

The council is the governing body of the city. It adopts ordinances and regulations, appropriates money, and generally determines the policies of the

city. It chooses one of its own members as mayor, but the mayor is little more than a presiding officer. The early theory (which was probably devised with an eye on the example of the Lord Mayor and the Town Clerk) had it that the mayor would be the ceremonial head of the city, but there is not much ceremony, in the sense of official entertainment, about American municipal life, and the city manager has, in many cities, been far more in demand than the mayor as a speaker at civic affairs.

The most important function of the council is that of appointing (and possibly removing) the city manager. While the theory is that the council appoints the manager on the basis of his experience and ability, in practice it is perfectly free to appoint anyone it likes, and it may remove him by a simple majority vote for any reason at any time.

Once he is chosen, the city manager is the agent of the council in administering municipal affairs and in carrying out the policies determined by the council. While the council, by its power of appointment and removal, is able to control municipal administration in any detail that it wishes, it is generally restrained by the hortatory language of the city charters, and by the general opinion and expectations of the people, from directing administration in any way except through the city manager. That is to say, it does not assign administrative duties to its own members or committees, and it does not instruct the city manager regarding the appointment or removal of his subordinates.

The city manager must not only carry out the council's decisions, but provide it with information and advice on questions of municipal policy. He is generally responsible for co-ordinating and directing all the departments of the city government.

The customary duties of a city manager, as set forth in most council-manager charters and as summarised by the International City Managers' Association, generally include the following: "(1) To see that all laws and ordinances are enforced. (2) To exercise control over all departments and in accordance

with civil service³ regulations appoint, supervise, and remove department heads and subordinate employees of the city.

(3) To make such recommendations to the council concerning the affairs of the city as may seem to him desirable. (4) To keep the council advised of the financial condition and future needs of the city. (5) To prepare and submit to the council the annual budget. (6) To prepare and submit to the council such reports as may be required by that body. (7) To keep the public informed, through reports to the council, regarding the operations of the city government. In addition the charter generally states that the manager is to perform such other duties as may be prescribed by the charter or required of him by ordinance or by resolution of the council."

This plan, of course, is very different from the pattern of municipal government that was traditional in America throughout the 19th century.

In that period, the all but universal form of municipal government was that of a mayor and council. There were exceptions in New England, where the pure democracy of the town meeting persisted. After the Jacksonian democratic revolution of the 1830's not only the members of the councils were elected directly by universal suffrage (women, Negroes, and Indians not taxed excluded), but the mayor also was chosen at the ballot box. As time went on and as the cities grew in numbers and in size, their more rapidly increasing problems were sought to be solved in what was deemed to be the democratic way. More and more of the officials were elected at the polls. This resulted in more and more dispersion of responsibility, and in all but the complete extirpation of official responsibility. What leadership there was, what offices of co-ordination and control were exercised, were assumed by the political "boss," a partisan or a factional extra-legal functionary who batted on election frauds and fattened on graft.

The prestige of the "boss," as well as his power, began to decline under the attacks of the aroused citizenry marshalled in reform movements. In the last decades of the nineteenth

century until now at the end of the first half of the twentieth, he is almost extinct. I cannot off-hand recall the names of more than a dozen local "bosses" and not half that number who still exercise their old-time power.

The two radical municipal movements which have contributed to this far-reaching change began in local disasters.

In 1900, the city of Galveston, Texas, was overwhelmed by a great hurricane and tidal wave, which cost thousands of lives, destroyed millions in property, and left the city prostrate. A few citizens gathered together, and decided to end the inadequate and inefficient scheme of a mayor and a council and a long list of other elected officials by a device which would concentrate both the power and responsibility, legislative and executive, in a small group of officials chosen, not parochially, but by the whole city at large. This was the birth of the commission form of government.

The first city manager appeared in the City of Staunton, Virginia, in 1908. Staunton at that time had a population of about 10,000, and considered itself to be a thriving market town and trading centre. It had a stable and contented population, indigenous and homogeneous, in which the various groups had reduced the friction among their several interests to a minimum. Some of the people, particularly those who were members of the Presbyterian Church, were rather proud of the fact that one of the native sons of the town had recently become President of Princeton University. But, as yet, no one had thought of converting into a shrine the manse in which Thomas Woodrow Wilson was born. Staunton had a city government that conformed to the prevailing pattern in the Commonwealth of Virginia. Its essential features were a mayor elected by the direct vote of the people, and a bicameral city council made up of a common council of some 20 members and a board of aldermen of ten. Placid, peaceful, the inhabitants of Staunton were well assured that their government was honest. There was no graft. The best citizens serving in the municipal offices saw to it that there was strict economy. Taxes were low. There was nothing in

the political, social or economic situation of the time or the place to indicate a revolution or any radical change or, indeed, any change at all.

But it so happened that there was trouble in the physical basis upon which the town rested. Built over the crowns of a series of limestone hills, the city had long known that these round domes were in fact but the roofs of vast caverns. One day, for what reason I do not know, except that things of that sort are continually happening in the limestone ranges, one of the roofs gave away, and a large portion of a street of Staunton dropped into the yawning cavern below. Something had to be done. It was the conviction of the mayor of the town that this was a job beyond the capabilities of an ordinary small city staff, supervised by amateurs. He persuaded the council that it should appropriate money enough to employ a first-rate engineer with broad experience, who not only could deal with the immediate problem of the caverns but convert the whole city machinery into a co-ordinated well-run establishment.

The common council and the board of aldermen agreed, whereupon the city employed Charles E Ashburner, an English-born railroad engineer, who then held a high position in the engineering staff of the Chesapeake and Ohio Railroad, to come to Staunton and take over under the style and title of business manager.

At about the same time, a young undergraduate at Yale University, Richard S. Childs, had discovered what he thought was a prime fault in the political institutions of the United States; an evil masquerading in the cloak of democracy, which was in fact defeating the ends of democratic government—the election of a great many state and local government administrative officials by direct ballot of all the electors. Young Childs had observed that a typical voter would find himself on election day in a polling booth with a ballot before him as big as a bed sheet, on which were printed the tickets of four or five or more parties, each listing their nominees for a score or more of offices. This, thought Childs, was

asking the voter to do more than he reasonably could be expected to do. An ordinary voter, he believed, should not be asked to pass on the qualifications or the relative merits of seven or eight different individuals who might be candidates for tax collector, garbage collector, superintendent of education, coroner, health officer, or city engineer.

Mr. Childs, in his youthful enthusiasm, submitted his discovery to the critical scrutiny of his professors and instructors. They could not but admit the accuracy of his observations, but they were seemingly not impressed by his conviction that the long ballot was a menace to democracy. Much less did they share his enthusiastic ardour for the short ballot as a cure.

Getting no support at Yale, Mr. Childs, then aged 19, journeyed down to Princeton, and made his way into the office of the President of that University. And, to Woodrow Wilson the young man exposed his diagnosis of the long ballot's threat to democracy, and his prescription of the short-ballot cure for the spreading disease. Mr. Wilson listened with courtesy. He smiled in sympathy. He warmed with enthusiasm, and then he drew toward him on his desk a yellow pad, and said, "Why don't you do something about it, Mr. Childs?"

"What can I do?"

"This," said Mr. Wilson, and he proceeded to write on that yellow pad the constitution of the National Short Ballot Organisation: Woodrow Wilson, President; Richard S. Childs, Vice President.

From the earliest days—de Tocqueville noted it more than a century ago—whenever two Americans find themselves interested in a common cause, they thereupon form an association.

This was Mr. Childs' association, and he took it away from Princeton back to Yale. And when he had been graduated, he began to make propaganda for it, and many prominent public figures—Henry L. Stimson among them—took part in the short ballot movement at one time or another.

One of the places, but by no means the only one against which he aimed

his attack was city government. City governments, or at least many of them, then were notoriously corrupt, and, even when not corrupt, were inevitably mis-managed, because of the fact that their functions were entrusted to numerous officials, each elected directly by the people, and recognising no co-ordinating authority or leadership save that of the political party boss.

Mr. Childs and his Organisation at first supported the commission form of city government, while recognising that it lacked co-ordination and expert administration. When he read of Staunton's "business manager," Mr. Childs knew he had the answer. He combined the commission plan, which had originated in the Galveston flood, with the city manager, the product of Staunton's cave-in, to make the council-manager plan of city government.

Mr. Childs first submitted the idea in the form of a charter to the people of Lockport, New York. The people of Lockport rejected the plan, but later the same scheme propagated by the Short Ballot Organisation was adopted in Sumter, South Carolina; Hickory, North Carolina; and finally in a large city—Dayton, Ohio, which turned to the plan as the result of a disastrous flood in 1913.

Some years later, the Commonwealth of Virginia, by its legislature, permitted its cities to adopt by a vote of the people any one of three forms of city government. One was the council-manager form. Staunton formally adopted it. Its elected mayor and bicameral council were abolished. It selected a small council of five. The council elected its own mayor, and the title of business manager was changed to city manager. Thus the first city to employ a manager changed its form of government to conform to the plan advocated throughout the country by the association founded by Woodrow Wilson and Richard S. Childs.

The council-manager plan—which soon in popular usage became the city manager plan—was taken up and supported by all the principal organisations interested in local government reform in the United States. The National

Municipal League, a national association of private citizens interested in the improvement of local government, made the promotion of the plan its main business. The National League of Women Voters gave it almost as widespread support, and so did the Chambers of Commerce of a great many cities. Universities and research bureaux which studied governmental problems added the weight of their influence. As a result, the growth of the plan has been the most conspicuous chapter in the history of municipal reform during the past three decades.

Then why has not the adoption of the plan been more widespread? There are some states in which the voters are prevented from adopting the council-manager plan by law, either because the state constitution does not contain any home-rule provision, or because the state legislature has passed no enabling act, or because only very small villages are permitted by law to adopt the plan.

For instance, in the State of Indiana the standard mayor and council form of government is mandatory upon all cities. At one time, the legislature passed an act giving the people of the cities an opportunity to vote on the council-manager plan. The four largest cities in the State immediately voted to adopt it, but the statute later was declared unconstitutional by the State Supreme Court, and therefore there is no council-manager city in the State of Indiana.

This situation obtains because, from the strictly legal point of view, municipal corporations are merely creatures of the states. Unless there is some limitation in the state constitution, the legislature may do as it pleases to grant or withhold powers to municipalities, and to make provision for their organisation.

At the same time, there has been a strong movement of public opinion in favour of granting a fairly broad degree of "home rule" to municipalities. As the Council of State Governments pointed out in its 1946 report on *State-Local Relations*, only eight states still hold to the formerly universal system of chartering each municipality by a separate act of the state legislature. (The states

that do so are all in New England or the South-east.)

One state—Indiana—reacted against the special charter system by having a single uniform system of municipal government, the mayor-council form, varied somewhat to take account of the varying size of cities.

Ten other states now provide a somewhat different type of charter for each class of cities, classified by population groups. Fourteen provide optional charters, or several different schemes of local government among which most municipalities may choose one to suit themselves.

Finally eighteen states provide in their constitutions for municipal home rule, which means that each municipality may, regardless of the wishes of the state legislature but within certain constitutional limitations, frame and adopt charters of their own choosing, defining their powers and their form of organization.

These methods of charter granting are not mutually exclusive (so that the figures above add up to more than 48). Nevertheless, this catalogue of charter systems, while over-simplified, does suggest the variety of practice that has made ready adoption of the council-manager plan possible in some states and has forbidden it in others.

It is not the purpose of this article to attempt to picture the present position of local government in this country. Even to catalogue the profound changes that have taken place in the last two decades would require a great deal of research that, so far as I know, has not yet been done. Such a general survey of local government also would require a review of the history of the rights and tremendous increase in influence of many national associations of local governments and of local government officials.

With respect to the council-manager form of government, however, a comprehensive survey was made just before the outbreak of the war under the direction of the Committee on Public Administration of the Social Science Research Council (of which committee the present writer was the chairman).

The survey was undertaken by Mr. Harold A. Stone, Mr. Don K. Price, and Mrs. Kathryn H. Stone.

These staff members spent some time in each of eighteen selected cities, scattered from Virginia to California, from Michigan to Texas. In addition 32 other sample cities were studied, in collaboration with the central study, by professors and graduate students of political science in various universities. This voluntary pooling of research efforts according to a reasonably similar pattern enabled the central study staff to write a summary volume, *City Manager Government in the United States. A Review After Twenty-Five Years*.

The Committee on Public Administration published as separate pamphlets sixteen monographs on individual cities, nine by the central staff and seven by co-operating students. These monographs were also collected in two volumes: *City Manager Government in Nine Cities*, by the team of Stone, Price, and Stone; and *City Manager Government in Seven Cities*, by Frederick C. Mosher, Arthur Harris, Howard White, John A. Vieg, Landrum R. Bolling, A. George Miller, David G. Monroe, and Harry O'Neal Wilson. Of the thirty-four other studies that were made, some were published under local sponsorship or were condensed for publication as magazine articles and the rest are available in the Joint Reference Library at the Public Administration Clearing House, Chicago.

Nothing has happened since these studies were published in 1940 to make their conclusions obsolete. I would like to quote from the conclusions of the summary volume by Mr. Stone, Mr. Price, and Mrs. Stone, who summed up their work more or less as follows:

"General governmental improvements, as the preceding chapters have indicated, followed the adoption of the city manager form of government. The change in the form, of course, did not operate with mechanical directness to bring about such improvements. The change in the form had to be supported by suitable political ideas or attitudes in order to be effective. But the form of

government, especially in the long run, seemed to influence the development of popular attitudes, giving some a better chance to prevail than others.

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"The variety of local conditions makes it impossible to describe the success of the city manager plan in absolute terms that apply to cities in general. For example, the question is often asked whether the city manager plan does away with partisan patronage. There was no partisan patronage before the adoption of the plan in many cities, and in others patronage survived the establishment of the new form of government. In some cities the plan eliminated patronage altogether.

"Nevertheless, it is obvious that the city manager movement and the adoption of the city manager plan generally brought about conspicuous changes in municipal government, and the exceptions that can be cited to each of the following statements cannot destroy the significance of those changes. They are restated briefly.

"The adoption of the city manager plan was advocated by groups, either within or without the existing governing body, that wanted to get the city government to devote itself more effectively to accomplishing its purpose or to broaden the scope of its functions.

"By comparison with the preceding forms of government the city manager plan brought a diminution of partisan or factional influence over the government. Councils appointed city managers without regard for their political affiliations, and the city managers, influenced by the nature of their jobs and the ethical standards of their association, threw their influence to the support of impartial administration. In half the cities studied the city manager's tenure was uninterrupted by political considerations, and in general the tenure of the city managers was steadily increasing.

"The city managers improved the organisations left them by the preceding forms of government. They brought to their jobs a scientific, or at least a business-like, attitude and brought about

far more co-ordination in their governments than had existed before. The opportunity to concentrate leadership of administration in one person was one of the most conspicuous improvements afforded by the city manager plan.

"The city managers furthered long-range planning in city government and encouraged the employment of experts to advise cities on technical problems. The city manager plan brought about conspicuous improvements in personnel administration, raising the standards of public employment and heightening the interest of the employees in their work. The city managers provided more adequate financial information so that the councils could more intelligently determine fiscal policy, and they made it possible to put such policy into effect by improving the methods of financial management.

"These administrative improvements were effected through city managers by more public-spirited political leadership than many of these cities had known before. Some cities failed to maintain their early enthusiasm for the principles of city manager government, but their reaction was not great enough to destroy the improvements that had been made.

"The establishment of the city manager plan increased the prestige of the council and improved the status of expert administration in municipal government. It brought about a greater degree of separation between politics and administration, while increasing the control of the elected governing body over all aspects of municipal affairs. The great contribution of the new form of government as such was to make a single small governing body collectively responsible to the voters for all aspects of the city government: the council was forced to consider at the same time ends and means, policies and administration, services and finances, as well as to balance the needs of the various departments against each other. While being politically responsible for administration, the council did not need to rely upon its own administrative abilities, for the city manager plan permitted it to delegate to an expert administrator

authority to manage the affairs of the departments.

"The adoption of the city manager plan generally led the municipal government to become an institution with a broader and more vital function in the community. This change resulted from the growing tendency of the people, with an increasing confidence in the ability and the efficiency of the city government, to give the government the responsibility for new community services. Among the advocates of the city manager plan were usually leaders of first-rate ability who were willing to devote their energies to the public service, and such men were not likely to think primarily in terms of their tax bills.

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"Ideals in politics are never realised, but the pursuit of them determines history," wrote Lord Acton. The ideals of the city manager movement were instantly accepted in cities that were ready for them and distorted or abused wherever they were in conflict with local political traditions. But nearly everywhere they added to the prestige of city government, lessened its preoccupation with trivial details or factional interests, and increased its ability to render service to the public."

Since the publication of the work of the Stones, Mr. Price, and their collaborators in 1940, the growth of the council-manager form of government has been steadily accelerated, as has been demonstrated by the statistics cited earlier in this article. Aside from this growth, there have been, in my opinion, but two material developments.

One has been the increasing sense of professional responsibility manifested by the managers themselves. This professionalisation is demonstrated by the increasing number of managers who have moved from one city to another, usually from a smaller to a larger city, with an appropriate increase in salary; in the longer years of service of the managers themselves, either in one city or in several; but most strikingly and most importantly in the great growth and development of their professional body, the International City Managers' Association.

(It should be borne in mind that I use the word "profession" in its broad American meaning of an occupation requiring certain qualifications and imposing certain ethical standards, and not in the sense that one is admitted to it by diploma, certificate or examination.)

The Association, besides publishing a monthly magazine, *Public Management*, also carries on many other activities. Its greatest accomplishment is the preparation and publication of *The Municipal Year Book*, the encyclopedia for students and responsible practitioners of municipal government in this country. Its first annual publication was in 1934. Its 15th Volume in 1948 is a comprehensive statistical abstract, directory of local government officials, and collection of reports on municipal developments. It is by no means confined to council-manager cities, but covers all cities in the country having a population of more than 5,000 persons.

The Association also maintains a training service, which publishes textbooks and conducts correspondence courses. This scheme of in-service training first began in 1935. Its growth may be indicated by the record of the sale of the training manuals it has prepared. In the first year, 1935, fifty such manuals were sold. Five years later, in 1940, the number had risen to 318, by 1947 to 3,141, and in 1948 to 4,137. The Association has also established a management information service which is supplied to cities for a fixed fee whether or not they have the council-manager form of government. This service started in 1946 with 136 cities subscribing to it, a number which reached 507 at the close of 1948. The annual conferences held by the Association are attended in increasing numbers by the managers and are marked by a steady improvement in the quality of the discussions held as well as by an increasing number of participants in the proceedings.

Then what of the state of the profession itself? Is there really a career for a competent administrator in the business of being a city manager? We can get the answer to these questions

in part from the International City Managers' Association.

From that source we learn that 241 men were appointed as city managers during 1948. More than one-half of them were not, at the time of their appointment, residents of the cities of which they became managers—a fairly good indication that they were not chosen for reasons of local patronage. Of the 222 new city managers on whose careers the Association had information, 188 had had previous experience in public administration; 51 of them had been promoted from city manager positions in other cities, 51 from within the same city's administrative staff, 69 from administrative positions in Federal, state, or other local government agencies, and 17 had had earlier experience as city managers.

At the end of 1948, 188 active city managers had had experience as city managers in more than one city. Thirty-nine of them had been in three cities, eighteen in four, eleven in five and two in six.

As for length of tenure, 208 of the 731 city managers in service at the end of 1947 had been active city managers in 1940, and at the end of 1947 the average tenure of these men was 15.4 years. Some states show a much higher tenure of office for city managers than others. Among these men who had been in office since 1940 the average tenure of office was eighteen years or more in Illinois, Ohio, Oklahoma, California, North Carolina, Pennsylvania and Virginia—and across the border in Quebec. (The Canadian city managers take an active part in the affairs of the International City Managers' Association; indeed, they contribute the "international" to its name.)

The reasons for leaving the office of city manager show that this relative stability—relative, that is, to other parts of American municipal service—has not eliminated a considerable degree of professional mobility from the American scene. In 1948, 17 per cent. of all city managers left their office for various reasons: six died, 34 left municipal office to go into private business, 18

retired, 53 were either dismissed or resigned, seven left because the charter or ordinance was rescinded, and for 25 the reason is unknown.

While the position of the city manager has taken on a great many of the characteristics of a profession, it has not become a career position in the British sense. Even in those cities where the job has been "taken out of politics," the manager remains the chief executive officer of the city. In some ways his position is like that of the Permanent Head of the Municipal Civil Service, but in others it is like that of a local Prime Minister. As such the council may well hold him responsible, by the ultimate sanction of removal from office, if his administrative abilities, his success as a manager, or the policies which he advocates do not meet with its approval. This is far from being merely a theoretical possibility; the right of removal has been exercised often enough to be an effective control of bureaucracy and negative shortcomings in many a city in the United States.

While the position of city manager is, generally speaking, no longer filled for party or political reasons, city managers are fairly often removed by councils—especially by newly-elected councils—that wish to change municipal policies or administrative practices and are not fully confident that the incumbents could carry out their wishes effectively.

This situation is related to the second major development in the city manager movement during the 18 years since 1931, the changed or changing attitude of the managers themselves toward the problem of community leadership.

Leadership in municipal government in the United States had become so identified with the person and position of the popularly elected mayor that people had come to regard political leadership (and that usually in the partisan sense) as comprehending all phases of leadership. Since a prime objective of the council-manager form of government was to get municipal government out of partisan politics (as it had been also a prime objective of the

earlier commission form), much emphasis was put on the proposition that the manager should not be a political leader. The confusion in definition rising out of the prevailing concepts thus wrote him down as no leader at all. All leadership was to be exercised by the council. The necessary non-partisan political leadership was vested in the council with particular responsibility placed upon the mayor, and the manager was supposed, coldly, to carry into execution the policies initiated, elaborated and determined by the council.

As a matter of course, it never would work that way. The manager was compelled, as the head of the executive, to initiate policies. He was compelled to do so, sometimes because the council refused its role, sometimes because the mayor was inarticulate, but more often because the various organisations of citizens in the town demanded that the manager talk with them, speak at their meetings, and listen to their views respecting the community programme.

So, while still abjuring partisan political activity, while still abstaining from political activity with respect to the election of members of the council or other elected local officers, the managers have come to be, in fact, community leaders. For a considerable length of time after the manager had, in fact, become such a leader, he pretended that he was not. However, that pretence now has been dropped. At the Thirty-Fourth Annual Conference of the International City Managers' Association, held in September 1948, the President, Mr. C. A. Harrell, City Manager of Norfolk, Virginia, in his presidential address defined the position of the manager as a community leader in terms that were received with practical unanimity by the members:

"... we should use our every effort to inject into our local governments the imagination and vision which they have lacked in the past.

"Community leadership on the part of the manager does not detract from the political leadership which derives from the council.

"The city manager... can and should prescribe for the council desirable community goals which should be achieved. He does not make an issue of his proposals; if the elected representatives of the people cannot be convinced of the logic of his plan, then he devises another, or simply does what the council tells him to do. But he never waits, as a matter of course, for the council to develop initially their own plans for community improvements. To do this would almost invariably subject his city to erratic growth. His stand must be positive, not negative.

"And once the Council has acted, he assumes the responsibility, *as an administrative duty*, for selling the policy to the people, for developing, by means of his public relations programme, popular approval through education."

This is obviously not the place in which to discuss the changes, some of them quite revolutionary in character, that have swept through the local governments of this country during the past two decades. But it is possible, I think, to say that the city managers have had an influence on the improvement of municipal administration far beyond the confines of their own bailiwicks. As active members of the state Leagues of Municipalities and as co-operators in the movements of many leagues and organisations for the improvement of the quality of public administration in the country at large, they have exercised a marked influence for good. The quality of municipal administration in the United States, generally speaking, has greatly improved in these two decades. That urban life in the United States is much less than satisfactory and lags in so many respects behind both the aspirations and the abilities of the people, can no longer be charged up exclusively to the corruption and inefficiency of municipal administration. The unsatisfactory state of urban living is due, I think, rather to the tide of profound social and economic changes that has swept over the American cities, increasing the gap between what should

be done and what has been accomplished. If it had not been for the city manager and his influence, this gap, in my opinion, would have been even wider

than it is. The accelerating acceptance by the people of the city manager plan is one of the manifestations of the purpose of the people to close that gap.

¹ PUBLIC ADMINISTRATION, Vol. IX, No. 4, pp. 393-416.

² The principle of the "short ballot" is to restrict both the number of public offices filled by election and the number of those filled by the same elector at the same poll.

³ The phrase "civil service" is used here not in the normal British sense but to mean the public services generally.

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The Department of Agriculture for Scotland

By SIR PATRICK LAIRD, C.B., F.R.S.E.

Agriculture is the oldest industry in the country and it is natural, therefore, that we can find traces of agricultural legislation right back to very early times; but it was not until 1889 that a Government Department in the modern sense was set up to deal with agricultural affairs. The Board of Agriculture established in that year was responsible for the administration of agricultural legislation for the whole of Great Britain. (It did not cover Fisheries until 1903.) The Secretary for Scotland, a Minister first appointed in 1885, was to be a member of the Board, but as the Board never met he had not much say in its work, and it was not until 1911, when the Board of Agriculture for Scotland was constituted, that the interests of Scottish agriculture came into the hands of a Scottish Department responsible to the Scottish Minister. The new Board took over the powers and duties in relation to Scottish agriculture which the Great Britain Board had previously exercised, with the notable exception of the administration of the Diseases of Animals Acts. It also inherited powers from the Congested Districts Board, which had been established in 1887 to administer certain services for the benefit of the Highlands and Islands, and which ceased to exist when the Board of Agriculture was appointed.

The Board of Agriculture, like several others in Scotland, was a real Board, consisting of experts appointed from outside the Civil Service, who, however, were certificated on appointment. The staff consisted of Civil Servants recruited in the ordinary way, but did not include an "Administrative" cadre as such. The system of "Administrative Boards" was condemned in 1914 by the Royal Commission on the Civil Service (Fourth Report, paragraphs 67-71) and the Haldane Committee on the Machinery of Government (1918); and in 1928 the Secretary of State for Scotland (Sir

John Gilmour) got an Act through Parliament which abolished the Board of Agriculture and two other similar bodies, substituting Departments on the more usual model with a single permanent Head. The powers of the superseded Boards were transferred to the new Departments "acting under the direction and control" of the Secretary of State, not to the Minister himself; and another ten years passed before this somewhat anomalous position was rectified and the powers transferred to the responsible Minister (Reorganisation of Offices (Scotland) Act, 1939).

The effect of this last-mentioned Act was to leave the Secretary of State free to draw departmental boundaries as he wished. But so far there has been no occasion to alter materially the spheres of duty of the four Departments for which he is responsible. These are the Scottish Home Department,¹ Scottish Education Department, Department of Agriculture for Scotland and Department of Health for Scotland. (The Department of Health is also the Scottish equivalent of the Ministry of Town and Country Planning.)

If the first Chairman of the Board of Agriculture (Sir Robert Wright) were to rise from the grave, it is not only the administrative changes in the scene that would surprise him. The work also has changed out of all recognition. He would still see the Department deeply involved in the development (far beyond even his hopes) of agricultural education and agricultural research; and he would still see a considerable amount of work going on in the administration of well-established Acts and services such as those relating to destructive insects and pests, relations of landlord and tenant, land improvement, fertilisers and feeding stuffs, and the development of the crofting areas. But what a variety of new tasks, and consequently what a change of emphasis

from the old days, when practically all the *politics* of Scottish Agriculture centred on the framing and execution of plans for land settlement! This subject was, and indeed still is, so important in the Scottish administration that it demands some detailed account.

Land Settlement

The first point to note is that land settlement is not, as in England, a responsibility of local authorities. It is carried out by the Department. The Board of Agriculture, exercising powers under the 1911 Act applicable for the first time to the whole of Scotland and not only to the Highlands and Islands, largely adopted the method of formation of new holdings or enlargements of existing holdings on privately-owned estates. This method has not been used in recent years but while it was in operation schemes were carried out involving 36,000 acres of arable land and 308,000 acres of pasture land.

More important nowadays is the other main method of land settlement—the method of State purchase of the land. The purchase of land for settlement started in the Highlands in the days of the Congested Districts Board, and by 1912 the estates purchased by the Congested Districts Board extended to 84,000 acres on which 388 new holdings were created and 397 enlargements provided. Since then these estates have been managed by the Department. The Land Settlement (Scotland) Act of 1919 extended land acquisition powers to the rest of the country and this Act has been used to acquire some 364,000 acres on which about 3,000 new holdings have been formed and 448 enlargements granted. In all, the land settlement estates vested in the Secretary of State and managed by the Department now extend to some 450,000 acres and involve more than 4,000 tenancies.

Land Management

The actual process of land acquisition, of sub-division into appropriate units and of equipment, is of technical rather than administrative interest. But the continuing responsibility for the management of very considerable estates scattered throughout Scotland presents

an administrative problem which is rather different from those of the general run of departmental activities. In addition to the land settlement estates the Department is responsible for the management of some 410,000 acres of other land—some land which has been acquired under the Forestry Acts, some a relic of the war-time food production campaign, and some miscellaneous properties including, for example, surplus airfields which must now be brought back into agricultural use. The problem of departmental management has, therefore, to be viewed in relation to some 867,000 acres—between 4 per cent. and 5 per cent. of the total land surface of Scotland.

For all this land the Secretary of State, through the Department, has to play the part of landlord, and requires a staff of responsible officers throughout Scotland for the purpose. These officers may also have to supervise farming activities where for one reason or another land cannot be let or is held pending land settlement. Problems of delegation arise which would not occur in the case of private landlords, owing to the overriding power of Parliament in regard to public services. It is necessary on the one hand to safeguard financial and parliamentary control, and on the other not to clog the machine by too much reference to headquarters. Quite apart from any question of land nationalisation the responsibilities of land management are certain to increase. There is still a large unsatisfied demand for small-holdings; forestry acquisitions will leave a residue of land to be kept in agricultural use; and voluntary or compulsory sales of land to the State are to be expected in consequence of the important Agriculture Act passed in 1948, to which further reference will be made later. The administrative problems will increase also, and there are people who think that a separate organisation for land management (such as has been established in England and Wales) will sooner or later be required. The view which at present holds the field is, however, that the Department will always require a land technical staff to advise on policy matters affecting land utilisation as well as land settlement,

and that to set up a parallel organisation for land management purposes would be wasteful duplication—even if there were sufficient numbers of qualified men available; and at present they are very scarce.

Growth of the Department

Considerable as the burden of estate management is, state lands still form a small proportion of the whole; and it is because the State is now so extensively concerned in various ways with the operations of private landlords and farmers that the administrative set-up is so different from what it was in the early years of the Board of Agriculture. The emergency measures taken in World War One imposed a severe strain on the Board's small staff, but did not leave any permanent mark of consequence.

Very different was the position from 1930 onwards. First there was a long series of Acts, starting with the Agricultural Marketing Act of 1931, and including measures dealing with Wheat, Sugar, Milk, Livestock, Oats and Barley, Lime and Drainage, all designed in conjunction with a new tariff policy to assist agriculture in the years of depression. These measures were not, of course, limited to Scotland, but we did for the first time have in that period an Act for the fixation of minimum wage rates for workers and a particular concern with the measures for subsidising oat prices and for subsidising fat cattle.

Secondly, there was the big drive for food production in the second World War and this, unlike its predecessor, has left a considerable legacy of services which it has not yet been possible to discontinue. Particular reference may be made to the provision of supplementary labour, especially for the harvests, the rationing of animal feeding stuffs, and the operation of a machinery service to help farmers in ploughing and cultivations. All these services operate on both sides of the Border, but in Scotland the work has been to a large extent directed from headquarters while in England and Wales it has been administered by the County Executive Committees.

Thirdly, there is the new code of law embodied in the Agriculture Acts of

1947 and 1948 which provide on the one hand for guaranteed prices and an assured market for the chief agricultural products, with security of tenure for efficient farmers, and on the other hand for pains and penalties for inefficient land management or inefficient farming. These last-mentioned provisions involve administrative novelties of considerable interest, but this section of the story may first be conveniently wound up with a few comparative figures and some reference to various forms of assistance given to farmers in the interests of maximum food production.

The Board of Agriculture started its operations less than 40 years ago with a staff of 50 and its estimate of expenditure in the first full year was only £214,580. The corresponding figures to-day (August, 1949) are—Staff, 1,962 non-industrial plus 1,231 industrial.

Financial provision in 1949-50: (a) statutory services and establishment expenses over £3½ million net; (b) Food Production Services no less than £8,150,000 net. About 90 per cent. of this amount is accounted for by labour and machinery services, grants for hill sheep, hill cattle, and calf rearing, acreage payments for crops, and grants for ploughing up grassland.

The hill sheep subsidy, started in 1941, was designed to save an important section of agriculture from the complete disaster threatening it as the result of many years of depression. It should be "read in conjunction with" the Hill Farming Act of 1946 which enables grants to be given for the rehabilitation of hill farms. The Hill Cattle subsidy is an encouragement to farmers to put more cattle of "hardy type on the hill lands. Marginal Agricultural Production grants are made to enable better use to be made of poor land by the application of fertilisers, by reseeding to better grass and so on.

The activities of the Department are so closely inter-related that constant contact between the divisional chiefs, the heads of branches, and the technical divisions is essential. Take the question of grassland improvement and the better use of grass (after all our greatest crop) as an example. If we were considering plans for developing this work it would

be necessary to bring into the discussion the division concerned with food production and cultivation of land, the division concerned with education and research, the division concerned with subsidies, marginal land and statistics, the division concerned with feeding stuffs and the supply of machinery and materials, the division concerned with hill farming and livestock improvement, the division concerned with labour problems, and the division concerned with the Highlands and Islands, together with various technical officers—inspectors, lands officers and economists. The Establishment division, the surveyors, and the liaison staff in London are about the only ones that could be excused. And of course the Finance Officer would come in sooner or later to remind us that there might be a spot of bother about paying for what we proposed to do!

Executive Committees and the 1948 Act

I turn now to a brief account of the system of local government, if it may be so called, devised to meet our special war-time needs, and to be continued in peace time in a modified form and for rather different purposes.

Arrangements had already been made before the outbreak of war to establish Agricultural Executive Committees throughout Great Britain to organise and superintend measures for increased production of crops under the Defence Regulations. In Scotland forty such Committees were constituted (later increased to forty-one) consisting in the main of farmers and with, as a rule, a well-known farmer or landowner as Chairman. The Committees met in County towns or other agricultural centres, and in most cases a local professional man agreed to act as Secretary, and he often provided clerical assistance and accommodation. For the chief technical executive officer recourse was had in the main to the County Organisers of the Agricultural Colleges, while members of the Department's Inspectorate acted as liaison officers between Committees and Department and assisted in the technical work in the districts.

Since they acted as the Secretary of State's agents under directions from Headquarters, the Committees did not strictly represent a form of self-government within the industry; and it was made clear that it was no part of their duty to voice representations or grievances on behalf of local farmers, this being the job of the recognised organisations such as the Farmers' Union. But they were encouraged to take responsibility for carrying out the Government's policies in detail, and frequent opportunities were taken to discuss with them matters of difficulty arising in their respective areas.

The main function of the Committees was of course to secure, by persuasion or direction, the increased production of grain, potatoes, sugar beet, etc. that was required of us, involving personal visitation and canvassing of between 50,000 and 60,000 agricultural holdings throughout the country.

But there was far more to it than that. By the end of the war there were about 40 different schemes or services in the administration of which the Committees were concerned, schemes for subsidies and grants, supplies of materials, machinery and labour, control of buildings and the use of land, termination of tenancies, control of pests, drainage schemes and so on.

Hopes that after the war the food production campaign could be relaxed and most of the war-time services discontinued have, of course, not materialised so far. Both the economic crisis and the continuance of shortages of all kinds have made that impossible. But we could not go on indefinitely asking busy men to place their services at our disposal, nor could we indefinitely deprive the Colleges of the use for their normal educational work of the County Organisers and others.

On the other hand, new work had to be catered for. The Government's long term policy for agriculture had as one of its main planks the securing of maximum efficiency in the management and farming of land. This was the obverse of the decision to guarantee prices and markets for the principal agricultural commodities. It would not

be feasible, it was decided, to carry out the efficiency policy without the aid of local bodies. Eventually, it was decided that we should have two sets of local bodies, one to assist the Colleges in their educational and advisory work, the other to take on the unpleasant task of directing and, if necessary, recommending the expropriation of those—whether owners of land or farmers—who fail to take advantage of or profit from the educational services available. The Agriculture (Scotland) Act passed in 1948 provides for this machinery.

There will be about 40 Advisory Committees but only 11 Executive Committees, whose areas will therefore be much larger than those of the war-time Committees. The new Committees, like the war Committees, will exercise powers delegated by the Secretary of State, but a new feature is that many of their actions will be subject to appeal to the Scottish Land Court. The Committees will consist mainly of landowners, farmers and farm workers, to a total number of 12 in each area, appointed by the Secretary of State after consultation with the representative organisations.

These Committees are serviced by Departmental Officers quartered in the 11 Centres. The Department itself administers, through these local officers, many of the services, so long as they last, which were in the charge of the war-time Committees; and it is quite possible that, as time goes on, we shall carry on a good deal of our work at these local centres. The plan presents considerable administrative problems, but is interesting and novel. To show how far we have gone already in decentralisation I may mention that of the total departmental (non-industrial) staff of 1962 no fewer than 807 (365 administrative and 442 technical) are based on the area offices.

One thing is quite certain. Because the farming community has itself had to carry out, for the past nine years, important duties of an administrative character, it has acquired a most valuable understanding of administrative problems; and there has steadily grown up a spirit of co-operation between the State and the industry which is of great importance from the point of view of maintaining a high level of food production in this country.

I have attempted, in this survey, to direct attention mainly to aspects of the Department's work which involve general points of interest from the administrative point of view. The technical and economic aspects, and the whole network of research and educational services, are of certainly no less importance, but do not throw up many problems which would concern the student of Public Administration. One point might, however, be made in conclusion: whether it be in connection with food production, or with the promotion of research and education, or in the administration of services of one kind and another, the officials of an agricultural Department must and do in these days maintain very close contact with their public, both individually and through Advisory and Executive Committees of various kinds. There is an administrative problem arising from this which might perhaps merit some close study. Can the limits within which this public can be taken into confidence, without transgressing the canons of constitutional propriety, be at all defined? Or must they be left to be determined at discretion according to the measure of trust one can put in the organisations and individuals with whom he has to deal? It is possible that if a definition were attempted, it would impose constraints that might greatly prejudice the freedom with which agricultural problems are at present discussed between the departments and their public with considerable advantage to both.

¹ This Department deals with the fisheries, which previously were under the jurisdiction of a separate Fishery Board for Scotland.

The Adaptation of English Local Government to Colonial Territories

By A. H. MARSHALL

We British have always claimed that our system of local administration by independent elected authorities was one of the best in the world. Our present attempts to foster the development of local government in the Empire, naturally take the form of an attempt to adapt the English system. In the task of adaptation the colonial administrator is doubly hampered. First because the circumstances of one territory differ so much from those of others. This is so even among developed countries such as those of Europe and is even more so when the comparison is between a fully developed western country and a relatively primitive area in the process of feeling its way towards self government. The task is difficult in the second place because of the nature of the thing to be transplanted—English local government. The mere fact that it is a British political institution is of itself sufficient to suggest that it may not be quite what it seems to be. Moreover, in the days immediately before the second world war, though the fundamental soundness of our local government was not in question, some shortcomings were becoming noticeable, and some of its best features were becoming obscured by these defects—a condition which of itself makes hazardous the path of the student, especially one who is attempting to gather the salient features in a limited time. Worst of all, however, for the enquirer, is the state of flux of local government at the present time. Since the war a dismemberment of our local government system has begun—not because of a conscious national policy towards local government, but as an accident of other national policies. There is now no publicly declared national policy towards the future of local government notwithstanding the fact that since 1945 it has been materially altered, chiefly by taking away from local authorities important duties and very largely extending the amount of central control.

An administrator from outside attempting to understand the working of local government in a short time is not therefore to be envied.

It was for these reasons that the Sudan Government decided, instead of giving one of their own officials a short course in local government, to find someone who already had a first-hand knowledge of local government, give him an opportunity of studying the Sudanese problem on the spot, and of exchanging ideas with the local administrators, after which he was to recommend a system of local government for the Sudan. The following notes on some of the difficulties and dangers of adapting our English local government system are based upon my experience in working out in this fashion a local government system for the Sudan. They are in no sense a guide to the introduction of local government in undeveloped countries. They do not even indicate the ground which such a study would cover. Nor are they a complete account of the relevant features of English local government. Those aspects of English local government which yield their secret at first glance have been ignored, however important they may be. For example, English local authorities have complete and very satisfactory codes for regulating their internal procedure—conduct of elections, conduct of meetings, letting of contracts, and appointment of staff. The import of these rules is clear; they are therefore outside the scope of these notes. But this does not mean they are not important. On the contrary, one of the most essential parts of the preliminary work to be done in instituting a new scheme of government is education in its practical working. The Control Commission in Germany would have found the later stages of their task of encouraging the Germans to adopt English methods of local government much lightened if they had been able in the early stages to provide a corps of field workers versed

in the internal procedure of English local authorities, and in the conduct of meetings.

Still less do my remarks cover those aspects of local administration in the colonies which have no counterpart in English local government, many of them of fascinating interest—such, for example, as the place of native authorities in local administration.

Finally, there are features of local government in other developed countries which, though of proven value, are not found in English local government. These too, only appear incidentally in the following notes. But they are of importance, and no one seeking to establish a system of local government can afford to ignore them.

It is the deficiencies of English local government which are the most difficult to handle. For natives on the one hand have been led to believe in the superiority of the English way of life and in its political institutions. To suggest, that excellent though the system is in general, there are defects is to invite misconception. Yet the admission has to be made. On the other hand, the district officer is only too ready to criticise in characteristic British fashion the institutions of his own country. To admit the defects to him is to reduce his enthusiasm for the task before him. Yet—once again—the admission must be made.

The greatest danger in devising a system of government is that of concentrating too much on the status and duties of authorities, and too little on the conditions which make working possible. It is easy to create an authority and clothe it with the recognised formal powers, but it is much harder to ensure that it has the proper personnel and the proper supervision, and that all concerned understand the spirit in which it was intended to work. A "local" authority whose chairman is a District Officer and whose staff are seconded central government officials is to me a local authority in name only.

Readers may remember the strictures of the Simon commission on the attempts to introduce local government in India where the constitutional side—areas,

powers and duties, etc.—was hammered out at great length, but such questions as the need for a local government service and the need for central supervision were almost entirely forgotten. This tendency to forget local government as a whole is being repeated in England today, and the student needs to be on his guard against it. The piecemeal dismemberment, which is taking place, and the setting up and inevitable failure of a Commission with powers limited to consideration of status and boundaries show only too clearly the partial view.

In the colonies we are advocating local government more for its own sake—for the training in democracy, for the virtues of close local control, for the advantages of administration by a multi-purpose body which watches over the general interests of the inhabitants rather than by a number of *ad hoc* creations—than for reasons of efficient running of a particular service. To conceive of local government only in terms of duties and boundaries, as we tend to do in England at present, would be a tragic mistake.

There is, too, a sense in which English local government does not fulfil the role which would normally be expected of local government in a colonial territory. English local authorities are confined to a closely defined range of duties. They must be able to point to specific legal authority before they can indulge in new activities. There is no question of a local authority informally filling in the gaps left by other agencies. Nor do English local authorities carry out, except on a small scale, agency functions for the central government or pass resolutions on central services as do many continental local authorities. In many colonial territories the local authorities will doubtless in due course supplant the district officer for some purposes and, eventually, entirely. Now one of the glories of the district officer system has been the mandate at large which the district officer possesses, and the flexibility in administration which his wide mandate gives. If he were to disappear, leaving in his place a constricted local authority on the English pattern, government in the colonies would be sadly

impoverished. Local authorities must succeed to his mandate at large if they are to become the local maids of all work, doing what is done in England by a mixture of central, local and voluntary agencies. A local authority which is precluded from coping with unforeseen local emergencies, as is an English local authority, can be of limited value to a colonial territory.

Then, again, there is the deadening uniformity of English local government. England is a small country and egalitarian doctrines are in the ascendant, so from Land's End to the Tweed, English local government shows a uniformity somewhat embarrassing to a country which boasts a system of local self government. There is no reason why this uniformity should be copied. There should be room for experiments within a general framework, in constitutions, in size, in range of duties and methods of administration. Why should the local taxation system be identical in every area? Why should not various varieties of single-tier or two-tier local government be found within a single colonial territory?

The English system of granting powers universally to all local authorities of the same type might not be suitable for a colonial territory. Powers could be granted piecemeal to individual local authorities when they showed themselves capable of carrying new duties. The promise of privileges, too, could be held out to individual authorities as baits to efficiency; for example, whilst budgets would in the early stages be subject to scrutiny by the central government, the more advanced local authorities might be granted budgetary independence on the English lines, when they had showed themselves fit to manage their own finance.

Flexibility does not go with detailed statutory regulation—yet another respect in which English local government is an unfortunate model. This mass of paper control is bad in any circumstances. Much of it arises from the iron uniformity throughout the country which is our unfortunate aim. Local authority "A" must do exactly the same work in exactly the same way as local authority

"B." I believe this to be contrary to the *raison d'être* of local government. But whether I am right in this or not, there is certainly no room for detailed regulation in a relatively primitive community, where the services to be performed are simple, where conditions in different areas vary, where there is no urge for a stultifying uniformity, and where the local authority hopes eventually to succeed one of the most elastic types of local administration—that of the district officer. Moreover, nothing will hinder the introduction of native administrators into local government more effectively than an overweight of paper work, which they are likely to find completely disconcerting.

Another deficiency of English local government is its dependence on a single local tax—the local rate. Coupled with the rapidly extending custom of making no charges for services, it narrows the finance of English local authorities. It would be a tragedy if we were to fasten this rigidity on to colonial territories. One has only to look around Europe, America or even South Africa to see how odd English local government is in this respect.

Another defect of our English system is that supervision of the central government is done departmentally for individual services; there is little general oversight of local authorities. Nor, incidentally, is there any high central official whose *sole* task it is to think about local government generally. This is largely why it is possible for local government to be dismembered in the piecemeal fashion which is proceeding at the moment. Many of the colonies are in advance of the home country in this respect insofar as they have their local government sections not overloaded with other duties. Considered as an administrative machine, every local authority is of necessity a compromise. It may not be the most suitable authority or the most suitable area for any one of its purposes, but it should be the best taking the services as a whole. If central government advisors are all departmental officials, interested in particular services, the Government will never have advice from anyone capable of taking a

bird's eye view of the whole situation. What will be uppermost in the central government's counsels will be the departmental complaints that the local authority is not the ideal instrument for a particular purpose.

A feature of English local government which intrigues foreign visitors is the difficulty of ascertaining where the initiative lies. We have no burgomaster or city manager whose prime task it is to think out policy. Our mayors are becoming largely ceremonial dignitaries and are in any case but birds of passage. In practice, local authorities differ a good deal but in the main it would be true to say that some of the initiative does come from the officials, though, particularly where the council includes strong personalities, or else is well organised on a party basis, the main initiative comes from the public representatives. It is nonsensical to pretend as some writers do, that the policy is evolved by the members of the council and that the officials merely devise ways and means of carrying it out. It would, however, be true to say that where an official does *suggest* policy he is always careful to make it clear both in the committee room and outside that the *decision* is wholly that of the governing body. Officials do not interfere in decisions of policy, but they do suggest policy to the council. It is for this reason that, in instituting a system of local authorities, it is imperative that there shall be found public representatives of sufficient strength of character to prevent the official usurping the functions of the members. Otherwise local government modelled on our English system would become merely a bureaucracy acting behind a façade of democratic election and this might be even worse than direct dictatorship. On the other hand, there is a danger of the official becoming too weak. If colonial local authorities in the years to come take on the burden of administering all the local services the local government officer will probably be the only official with whom the ordinary person will come into regular contact. He must be someone capable of commanding respect, administering services, and—as we have seen—of supplying some of the initiative.

Another puzzling feature to the outside observer is that English local authorities have no administrative head. The machine works because the heads of the departments are willing to accept the leadership of the Town Clerk, though he has no formal powers of supervision. He, on the other hand, is scrupulously careful not to interfere with the working of any of the departments but to rely on the firmly implanted tradition of co-operation without compulsion. The system is peculiarly English and I cannot visualise successful transplantation, especially under circumstances where for many years the various departments of the authorities will not be staffed by highly trained administrators. Therefore, in a colonial authority, it may be necessary to make the executive officer or clerk something more than the English Town Clerk. As to the local government service generally, English practice is good, particularly in its impartial method of appointing staff and in the existence of the specialised professional bodies who have done more than any other influence to bring such a high standard of administration into English local authorities. An obvious defect, however, is the lack of mobility between the central and local services. Had there been free mobility between the local service and the central service and had we had a central department responsible for the general oversight of local government staffed partly with people who had had experience in English local government, English local government would not be in the position it is today.

One difficulty which all reformers of English local government have experienced is that of abolishing or absorbing local authorities with special privileges and special titles, e.g. ancient boroughs. Colonial administrators might consider whether it is not advisable at the outset to avoid grades of authorities with different names. All kinds of local authorities might be just "local authorities", the scope of their activities differing according to their capacity.

There is a final respect in which English practice may be misleading. The uniformity of English local government and the relatively homogeneous social and economic conditions over

the country make possible a battery of complicated financial devices which would be quite out of place in a colony. It is useless to attempt to imitate formula grants and other devices. (In any case even in England no sooner has one formula been devised than it has to be replaced by another.)

I now add three disconnected general observations not specifically connected with the adaptation of English local government but which would arise whatever the system of local government being installed.

The first is that if the setting up of local government is to take the form of transferring functions from a central authority to a local authority and of only modest extensions in services, then financial considerations should be regarded as secondary. The constitutional system should be devised first and then the financial system fitted to it. If, on the other hand, big extensions of services are contemplated then clearly financial considerations are of the essence of the decision.

Secondly, there is a danger of trying to instal local government in conditions where it could not possibly take root. There are certain conditions which must exist before local government is possible: the local population must have made some progress from a state of complete backwardness; the members must be able to decide simple questions, and supervise simple administration; if the population is nomadic it must at least have a place to which it returns each year and which can be regarded as its home; and the members of the

community must also be capable of giving loyalty to a new political contrivance. The first step should always be to define what these minimum requirements are in any particular territory. If they do not exist, then fully-fledged local government should not be started. There is often scope in such areas for the provisional authorities whose purpose is education for local government proper at a later date. In the southern Sudan there are some shining examples of simple provisional local administration of this kind.

Thirdly, no new institution can make a reality unless there is some feeling of urgency in those who devise and operate it. The marked success of so much that is being done in the Sudan is undoubtedly due to the fact that the British are pledged to leave the country within a limited period and every official worth his salt is doing his utmost to ensure that we leave behind us a system of stable institutions which at least have a chance of surviving when our experienced guidance is no more.

My comments have been disjointed, and, insofar as they have covered a great deal of ground in a short time, somewhat sketchy. Moreover, being based on experience in only one territory, and that not a colony but a condominium with another power, they are doubtless incomplete, and of limited application to colonial territories. But if they only draw attention to the need for an immediate comparative study of the considerable amount of experiment now taking place in the introduction of local government to new areas, they will have served a purpose.

Recent Developments in the Work of the Australian Commonwealth Public Service Board

By T. H. KEWLEY

During the post-war years the Commonwealth Public Service Board has become acutely aware of its responsibilities for developing and modernising the public service as an instrument of government. The major steps which it has taken to that end, and also the recently established machinery for staff co-operation in administration, are discussed later in this article. In what immediately follows an account is given of the nature and functions of the Board, and of the general structure and composition of the Commonwealth service.

The present nature and functions of the Board have their origin in the Public Service Act of 1922, in which the Government recast its public service policy largely in accordance with the recommendations of two Royal Commissions—the McLachlan and the Federal Economies Commissions—which had reported upon the Commonwealth service some two years earlier. The Act of 1922 abolished the office of Commissioner and vested his powers and duties, with some added, in a Board of three Commissioners, the Chairman receiving a higher salary than the other two members but without additional powers. The Commissioners are appointed by the Governor-General for terms of five years, and are removable only in special conditions enumerated in the Act. They are eligible for re-appointment. The Board is charged with duties which in Britain are shared between the Civil Service Commission and the Treasury. Its duties are of three main kinds:

(i) recruitment and general control of staff;

(ii) the securing of economy and the promotion of efficiency in the management and working of the departments; and

(iii) exercising a quasi-judicial authority as a board of appeal from

decisions of permanent Heads regarding promotions, and from Appeals Boards in cases of dismissal.

The original Public Service Act of 1902 provided for the separation of the Commonwealth service into four divisions, known as the administrative, professional, clerical and general divisions. The McLachlan Commission, which examined this classification in 1918, recommended a numerical separation "to secure a more desirable uniformity in classification, and to remove . . . an irritating distinction of 'caste' based on nomenclature." That recommendation was embodied in the Act of 1922 which established the present classification of the service into four divisions, named the First, Second, Third and Fourth. The First Division comprises "all Permanent Heads of Departments and such other officers as the Governor-General determines." The Second Division includes "officers who, under officers of the First Division, are required to exercise executive or professional functions in the more important offices of the Service." The composition of the Third and Fourth Divisions is not defined in the Act, allocations to these Divisions being left to the Board. Generally speaking the Third Division may be said to comprise administrative, research and other professional officers, and clerical officers (including certain postmasters, postal clerks and telegraph officers); the Fourth, typists, machine operators, office assistants, semi-skilled manipulative officers, attendants, messengers and the like. The First and Second Divisions are limited to comparatively few officers. Out of a total staff of 120,991 on 30 June, 1948, there were 23 permanent heads in the First Division and 354 officers in the Second Division. The Third Division contains slightly less than 25 per cent. of the total staff, whilst about 75 per cent. are in

the Fourth Division. The great bulk of Fourth Division officers are employed in the Postmaster-General's Department. That Department, in fact, employs approximately half the total number of Commonwealth public servants.

Recruitment to the Commonwealth service is from below, appointments with few exceptions being made to the Third and Fourth Divisions. The normal method of entry to the Fourth Division is by passing an elementary education test set by the Board, this test often being accompanied by specialised tests for entry to certain "careers", e.g. technician, within the Division. The main avenues of recruitment for the Third Division are by examination based on the school leaving or matriculation examinations, and by transfer from the Fourth Division by competitive examination. An additional source of recruitment to the Third Division was tapped in 1933 by the addition of Section 36A, to the Act which provides for the appointment, on the basis of interview, of a limited number of University graduates of not more than 25 years of age. Such recruits are appointed to the same grade, and within the same salary range as other recruits to the Third Division.

The Public Service Act of 1902 granted exclusive power to the Commissioners to fix salaries. That system was changed, however, in 1911, when the Commonwealth service was given access to the Commonwealth Court of Conciliation and Arbitration. This experiment proved to be unsatisfactory and led, in 1920, to the service being taken "out of the Court" and given a special Public Service Arbitrator. The salaries of most Commonwealth public servants are at present fixed according to determinations of the Arbitrator, with provisions for adjustments according to variations in the "cost of living". Other salaries (with specified exceptions) are fixed by the Board. In both cases salaries are normally fixed in short, overlapping scales appropriate to the established work value of each position, and the Act provides for annual increments within those scales.

The varied duties with which the Board is charged would be formidable

enough even in a small and compact service. The Commonwealth service, however, is neither small, nor compact. Its numbers have grown from 47,043 in June, 1939 to 120,991 in June, 1948.¹ Moreover, it operates throughout an area roughly the same size as the United States and in a community organised on a federal basis. Commonwealth Departments, the number of which has more than doubled since 1938, are administered by central offices (located either in Canberra or Melbourne) through branches based upon the boundary divisions of the six States, and with their main State offices in the State capitals. Departmental staffs, although mainly located in the capital cities, are distributed throughout the Commonwealth, units often being separated by hundreds of miles.² The Board and its central office are located in Canberra, its local administration being carried out by Inspectors situated in the several State capitals.

The Board has never been accorded the position and facilities necessary for the full discharge of its statutory duties. Although the Act provides for a Board of three Commissioners, between the years 1931 and 1947 two of these positions were left vacant, a single Commissioner acting as the Board. Moreover, the Board's staff has always been on a very modest scale, numbering only 242 (and this a record number) on 30 June, 1948. For some years prior to World War II a variety of circumstances had forced the Board to concentrate its attention upon problems of salary classification and the handling of appeals from unsuccessful applicants for promotion. To the problem of developing and modernising the public service as an instrument of government it had given comparatively little attention.

II

The Board's part in the administrative crisis caused by World War II may be told briefly. One of the methods of meeting this crisis was to second many of the Board's most experienced officers to executive positions in the various departments. This resulted in the Board being unable to make an effective contribution to the planning and staffing of new administrative agencies. Dr.

E. R. Walker, an academic who spent most of the war years as a temporary Commonwealth public servant, observes that the Board "encountered enough difficulty in keeping up-to-date with developments in Australian policy, without trying to study the way in which similar administrative problems were being tackled overseas. Nor was it sufficiently in touch with the business world, the universities, and State and local governments, to know where to find suitable individuals for the new positions that had to be created. Those who were placed in charge of war agencies were left to solve these problems in their own way, while the Board concentrated its attention chiefly upon maintaining such orderliness in salary classifications as it could, and upon safeguarding the interests of those officers who were serving in the armed forces."³

The story of the various administrative authorities that were created during the war years, of the machinery for higher direction and co-ordination that was developed, and of Australia's "war-time bureaucracy" at work, has been told elsewhere.⁴ Sufficient it is to notice here that the experiences of the war years made it clear that a radical re-organisation of the permanent Commonwealth service was necessary if many of the war-time controls were to continue into the peace. This led in 1946 to the introduction of legislation re-constituting the Board to its full strength of three Commissioners.

III

The re-constituted Board, the members of which were appointed early in 1947, has displayed an acute awareness of its responsibility for improving the quality and methods of the Commonwealth service. It aims to secure this improvement in three main ways; by gradually raising the standards of recruitment; by initiating sound training methods; and by a progressive overhaul of departmental organisation. What the Board has so far attempted in each of these fields is discussed below.

Organisation

Section 17 of the Public Service Act imposes upon the Board wide duties

relating to departmental organisation. It requires the Board *inter alia* to devise means for effecting economies and promoting efficiency in the management and working of departments, for the simplification of the work of each department, the abolition of unnecessary work, and the co-ordination of the work in the various departments. Although this provision was embodied in the Act of 1922 in accordance with a recommendation of the Royal Commission on Federal Economics, it remained almost a dead letter until the reconstitution of the Board in 1947.⁵

The Board in 1947 took the view that the most practical means of carrying out its duties under Section 17 of the Act was through a small inspectorial staff of highly trained officers whose main duty would be to ensure that the requirements of efficiency were thoroughly understood and energetically pursued by the departments themselves. An investigation staff was accordingly appointed early in 1948. Meanwhile the Board had encouraged the establishment of Efficiency Sections in some of the larger departments, the intention being that the Board's Organisational Section should maintain close contact with these Departmental Efficiency Sections.

Most of the work of the Board's Organisational Section has been done since June, 1948, the closing date of the Board's last report. As so little attention had previously been given to the problem of departmental organisation, it is not surprising to find that the results of that Section's earlier work have been encouraging. An investigation of the Central Customs Department, for example, led to the establishment of a new "work flow organisation" which provided a better balanced means of meeting the work requirements, with appropriate devolution of responsibility from the permanent Head and his senior officers to branch and section heads. This (according to the Board's Report, p. 10) was accomplished with a reduction in the total staff, despite the constantly increasing work of that department. Where difficulties are likely to arise later is in the problem of defining the respective managerial functions of the Board and the departments. Section 17

of the Act places the Board in the position of efficiency experts. The Board's duty is not to manage the Commonwealth service, but to see that it is properly managed. The very fact that the Board has been at some pains to point out that its responsibilities do not in any way limit those of departments for efficient management suggests that some difficulties in defining respective responsibilities have already arisen.

Whilst the Board's new approach is likely to lead to a number of minor improvements in departmental organisation which, in total, could be quite substantial, no major changes, and especially changes leading to a more satisfactory allocation of functions as between departments, can be expected. The allocation of functions as between departments is so often the outcome of the personal ambitions of Ministers that any criticism by the Board would be foolhardy. Moreover, Section 17, which specifies the Board's powers over departmental organisation, also limits those powers. That Section provides that where a department fails to give effect to the Board's decision, it must state its reasons for such failure. In the event of the Board still being of opinion that its decision should be implemented it is to report the matter to Parliament. Such a report would, of course, be tantamount to a censure upon the Ministerial head of the department, and Parliament would have to decide whether to support the Government or the Board. The working of the party system renders it unlikely that Parliament would uphold the Board. That, in itself, is of comparatively little consequence. The important thing is that it discourages the Board from raising questions relating to departmental organisation that are likely to have political implications. The Board being perhaps the only authority competent to raise these questions, they consequently do not often become the subject of serious public discussion.

Recruitment

During the war years recruitment to the Third Division of candidates from the school leaving examinations fell much below normal, and recruitment of University graduates under Section

36A ceased. Transfers from the Fourth to the Third Division were maintained at approximately pre-war level, and a few ex-servicemen were appointed. From 1946 an attempt was made fully to revive recruitment, but conditions of full employment, the smaller number of youths in the school leaving age groups, and the previous absence of the Commonwealth from the employment field made results disappointing both numerically and qualitatively.

Experience during the war years had emphasised the shortage of permanent officers in the 35-45 age group suitable for appointment to the higher executive positions that had to be created—a shortage which followed from the policy of veteran preference and the consequent virtual cessation of youth recruitment for many years after World War I. In order to avoid the creation of a similar hiatus in future years the Board has aimed in its post-war recruitment policy to preserve a balance between youth and ex-service recruitment. This aim has not, however, been secured. There have been more vacancies to be filled than there have been youths taking the examinations. The examinations have consequently been of a qualifying, and not of a competitive nature, and the number of appointments below requirements.

Special measures have been taken by the Board to increase the number of recruits. It has, for example, modified the examination procedure for the recruitment of Accountancy Machineists, Typists, Junior Assistants, Telephonists, and certain other types of Fourth Division Officer. This was done by modernising and simplifying examination papers, raising the age limit, and speeding up the publication of results. Instead of examinations for these positions being conducted only at prescribed intervals, as formerly, an examination is arranged immediately an applicant presents himself, and the results of the examination are made known to him the same day. In the hope of attracting more candidates from the school leaving examinations the Board has published for distribution to schools and career advisors a booklet which describes the variety of opportuni-

ities offered by a career in the Commonwealth service. With a view to increasing the number of University graduates seeking admission to the service under Section 36A, the Board has recently raised the minimum salary for graduates upon entry to £442 per annum. At the same time the salaries of graduates already in the service were increased to that amount. Whether this action foreshadows other special privileges for graduates, which in the past have been vigorously resisted, is not clear. Perhaps the most courageous step of all was that taken early in 1949 when the Board called for applications from females for appointment as clerks!

In order to meet the demand for specialists arising from the extended functions of the service, the authority granted the Board under Section 47 of the Act has been invoked much more frequently in the post-war years than formerly. That Section provides for the appointment without examination of a person from without the Commonwealth service where the Board certifies that no officer is available in the service who is as capable of filling the position. That authority was used on a large scale at the conclusion of the war to appoint to the permanent service selected numbers of war-time temporary employees who were engaged upon what then appeared to be continuing post-war functions. Section 44 of the Act, which provides for the appointment to the Commonwealth service, without examination, of permanent officers of the State public service, has also been frequently used during the post-war years to enable the Commonwealth to retain in its permanent service State officers who were on loan to it during the war years. The extended use of these powers has brought protests from the staff organisations, which fear that patronage may creep into the making of appointments. Whilst it is unlikely that the Board's actions under these powers have always been beyond question, especially in the scramble for staff which took place upon the termination of hostilities, there does not at present appear to be any evidence to suggest that patronage plays any part in the making of appointments. There is,

however, some basis for the claim made by the State Premiers at their Conference in 1948 that the Commonwealth, because of its strong financial position, has been "pirating" many of the more competent of the State officers. The payment of high salaries is, in fact, a recruitment technique which the Commonwealth has used to the maximum. This policy has been one of the factors that has led to the raising of the salaries of those already in the service to levels hitherto undreamt of.

Training

The attention recently given by the Board to the question of training suggests that the Assheton Report (and also the earlier activities of the New South Wales State and semi-Government services) has not been without its influence on the Commonwealth service. Prior to 1947 systematic training in the Commonwealth service was limited mainly to technical staffs in the Postmaster-General's Department and to specialised positions, e.g. cadet biochemist, in some other departments. The method of in-service training for clerical-administrative positions (apart from the granting of a few free places for out-of-office-hours study at Universities) has been to allocate the newcomer to a position without any induction, leaving him to learn his job by trial and error and such unplanned tuition as could be afforded him by his already fully occupied colleagues.

During 1946, refresher courses in administration were introduced in Canberra by the Board for officers returning from war service. This scheme afforded opportunity for experimenting with new forms of administrative training and contributed to the formulation of the plan for in-service training of new junior clerical officers which was first put into operation in 1947. In the meantime the Board had established a Central Training Section to plan and co-ordinate training throughout the Commonwealth service, and especially to inaugurate systematic training for clerical and administrative staffs.

The main work of the Central Training Section up to the present has been in organising basic clerical training

for new juniors. The aim is to give all young base grade clerical officers, shortly after their appointment, two weeks' training at the Central Training Schools which have been established at Canberra, Sydney and Melbourne. This is to be followed by training (in the case of larger departments) in a Departmental School, and by sectional training within the departments. The syllabus at the Central Training Schools comprises an outline of the machinery of government; structure and functions of departments; accounts and records; letter, minute and report writing and statistical tabulation. The Board, and also most of the Departments, have prepared handbooks which are given to trainees at the time of reception. Whilst the Board's training programme has been mainly confined to base grade officers, the Board has also conducted more advanced schools for graduate recruits, personnel officers, research officers, and administrative officers of the "middle" classifications.

Cadetships have for long been an important adjunct to the recruitment and training policy of the Board, so far as the various "professional" positions are concerned. The present acute shortage of trained men to fill professional positions, and the difficulty of attracting young men of good academic qualifications, has, however, led to a review of the conditions governing, as well as to an extension of, cadetships. Of special interest is the recent extension of the system of cadetships for training personnel officers. The training of personnel cadets (normally extending over four years) is to comprise training on the job, including intra and inter-departmental movement; a course of lectures on personnel administration arranged by the Board; and attendance at University lectures in prescribed subjects. These subjects have been so grouped as to facilitate the completion of the Bachelor of Arts degree by the officer outside his cadetship if he so desires.⁶

IV

The Act does not specify any qualifications required by the Commissioners.⁷ Although one of the Commissioners appointed in 1947 (since retired because of ill-health) was at the time of his

appointment Secretary of a staff association, the Board is not a representative one. The staff associations have often pressed for the inclusion in the Act of a provision reserving one of the Commissionerships for a representative of the service. That demand has not been conceded, but in recent years machinery, which is noted below, has been established to provide for a greater measure of staff co-operation in administration.

Promotions Appeal Committees

The Commonwealth public servant is eligible for promotion not only within his own department, but also within any other Commonwealth department, in any part of Australia. The promotions system was modified in 1945 by the establishment of Promotions Appeal Committees, comprising a representative of the Board (as Chairman), of the Department concerned, and of the relevant staff association. Originally the Board was charged with the duty of promoting officers to vacant positions. That system was changed, however, in 1924, and responsibility for making promotions given to the permanent head. Except for certain positions in the Fourth Division, where promotion goes to the senior efficient officer, the permanent head in making promotions is required by the Act to have regard primarily to efficiency. Promotions are provisional in the first place, and are subject to the right of appeal on the ground of either superior efficiency, or equal efficiency and seniority. The legislation of 1924 provided for the appeal to be made to the Board, which had power of final determination. The amending legislation of 1945 which created the Promotions Appeal Committees modified that arrangement. It provides that where the salary for the position is less than £450 and all the appellants are within the State in which the vacancy occurs, the appeal is to be determined by the Promotions Appeal Committee. In all other cases the Committees examine the claims of the appellants and the promotee in their own State and forward reports to the Board, which determines the appeals.

The amount of time and energy that is devoted to hearing and determining

appeals under this complicated system is beyond calculation, as also are the removal costs involved in transporting the successful officers and their families throughout the wide area of Australia. Neither is it possible to calculate the loss of efficiency in the conduct of the service which follows from the inevitable delay in completing promotions. The Board is apparently of the opinion, however, that such faults as the promotions system possesses are outweighed by the "gain in morale throughout the Service because of the 'collective consciousness' of a fair deal for all." (*Twenty Third Report*, p. 11). The staff associations also like the present system!

Classification Committees

Following upon representations from the staff associations, amending legislation was enacted in 1945 providing for the establishment of Classification Committees. These Committees embody the principle of staff representation, their composition being similar to that of the Promotions Appeal Committees. Their function is to examine salary classifications of existing permanent establishments, on reference by the Board, when the relevant staff association or department applies for a review. The general idea which prompted the adoption of Classification Committees was that the classification of some positions, especially those having individual characteristics, could be determined more readily by such a representative Committee than by the more formal process of arbitration.

The Joint Council

Much of the present framework of the Commonwealth Service has been built up as a result of negotiations between the Board and staff associations. Prior to the establishment of the Joint Council in 1947, however, there was no formal machinery to facilitate exchange of views between the administration and the staff. The Joint Council is an advisory body comprised of staff representatives and higher departmental administrative officers. It is empowered to report upon any matters of general interest to the service which may be referred to it by a department, a

staff association, or the Board. Some have high hopes for this Council. It is too soon, however, to pass judgment upon it. During the first 15 months of its existence, the "matters of general interest" which it discussed did not extend much beyond the question of altering pay day from Friday to Thursday.

V

The above discussion has been limited to the regular public service. More than one-quarter of Commonwealth employees are, however, working for corporations or agencies not subject to the control of the Public Service Board. The total staff of these agencies and corporations (including such bodies as the Commonwealth Bank and the Australian Broadcasting Commission) was 20,820 in 1939. With the creation, since the war, of additional corporations to control new government undertakings such as Airlines, Telecommunications and Shipping, this figure had risen by 1948 to 47,794. The Board, in its report for the year ended June, 1947, complained that the successive establishment of these independent authorities had led to a multiplicity of Commonwealth staffing and wage-fixing controls, with consequent anomalies and inequalities, and stressed the need for some co-ordinating machinery.

True it is that there are numerous inconsistencies among the staff provisions of the corporations; and for some, at least, of these inconsistencies there is little justification. That should not lead, however, to an overlooking of the fact that the Commonwealth Government has, from about 1945 onwards, pursued a policy of limiting the freedom of corporations in staff matters and bringing them more into line with the regular public service. This has been accomplished in three ways, the method differing with the nature and functions of the corporation. Some corporations (e.g. the Overseas Telecommunications Commission) whilst permitted to control their own staffs, have been required by statute to adopt methods of recruitment and promotion similar to those of the Public Service Board. Others (e.g. the Australian

Shipping Board) have been allowed to determine the terms and conditions of employment of their staffs, but—and this is an important “but”—subject to the approval of the Public Service Board. The staffs of a third group of corporations (e.g. the Australian Broadcasting Control Board) have been included in the regular public service.

The absence of a uniform policy relating to the staffing of corporations is not a matter for grave concern. The variations in the nature and functions of the corporations, in fact, renders a uniform policy inappropriate. Whilst there might be a case for making the staff of the Australian Broadcasting Control Board part of the regular public service, for that body receives its funds by means of an ordinary Budget appropriation and there is no outside measure of its success, the same would not apply to a trading concern such as the Airlines Commission or the Australian Shipping Board. The essential point at which control of the staffing of corporations needs to be exercised, at least at the present moment, is over the terms and conditions of employment. If this is done, a balance (or “fair relativity”) can be preserved as between the regular public service and the corporations. The trend of the most recent legislation suggests that this factor is being closely watched.

VI

It was noticed earlier that only since its re-constitution in 1947 has the Board shown a clear awareness of its responsibility for improving the quality and methods of the Commonwealth Service. Moreover, the policies it has initiated to this end are mostly in the experimental stages. Any attempt to evaluate them is therefore out of the question, but some comments upon them have been made above. In these concluding paragraphs all that will be done is to question the likely success of these policies unless there is first a thoroughgoing public enquiry into the Commonwealth service.

The central problem appears to be that the re-constituted Board has come at a time when it is too late for it to accomplish much unaided. It commenced its work when there was already an overgrown public service so strongly

entrenched that the Board could do little about reducing its size—even if it really wanted to. To criticisms about the size of the Commonwealth service the Board (apparently taking a cue from the Government) has done little more than say that the extension of the activities of the Commonwealth Government since 1939 necessitates a larger public service than in 1939. No one, of course, denies that. What is being questioned is whether the service is not larger than is necessary to carry out these extended functions. Upon this point the Board has not given an adequate assurance.

The claim that the Commonwealth service is unduly large should not be taken to imply that Commonwealth servants are under-worked. In fact, many of them work much too hard. What is suggested is that some of the work being done is unnecessary and that there is also a lot of wasteful duplication. Whether or not there is justification for this claim can be determined only by a public inquiry. That the Board is not in a position to throw much light on this question is shown by reference to the Commonwealth Division of Industrial Development. That Division no doubt has certain legitimate functions, even though the States have similar departments. The extent of those functions, and the size of the establishment, do, however, appear to be open to question. It seems that many of the functions of that Division (which came into being during the war years) are a duplication of functions performed by other departments. Because of the political dividends that might be hoped for from this Division the Board would have to be extraordinarily courageous to attempt to reduce its functions to a legitimate extent and size, even if it had adequate power to do so. The provision for a limited tenure of office (unlike New South Wales where members of the Public Service Board are appointed for life) is not, however, conducive to courageous and independent action on the part of the Board.

Sufficient justification for a public enquiry into the Commonwealth service is the fact that no such enquiry has

been made for some thirty years. But the main justification is that it could lead to a clearing away of the war-time debris, and to a strengthening of the hand of the Board as against the strongly entrenched departments. On the other

hand a public enquiry might lead to a serious examination of the question of whether the Commonwealth service has perhaps become too large for the continuance of centralised control of managerial functions by the Board.

¹ These numbers include temporary employees, of whom there were 14,614 in 1939, and 70,470 in 1948. See Commonwealth Public Service Board, *Twenty-Fourth Report* (1948), p. 22.

² Perth is approximately 2,800 miles from Sydney and 3,500 miles from Brisbane. In Queensland and Western Australia centres where staffs are located are more than 1,000 miles from their respective capitals.

³ E. Ronald Walker, *The Australian Economy in War and Reconstruction* (O.U.P., 1947), p. 110.

⁴ See especially Walker, *op. cit.*, pp. 110 ff.

⁵ In the general staff surveys which it makes from time to time for purposes of classification, the Board has, of course, been able to secure the application of up-to-date staff organisation structures, with a consequent saving in staff and improvement in organisational efficiency. But these surveys have not embraced departmental methods and procedures in any detail. Moreover, they are not continuous like the surveys envisaged in Section 17.

⁶ A cadet-training scheme of a special kind is that for ensuring a flow of trained officers for the Department of External Affairs. At present this cadetship is limited to University graduates, and those selected have usually been honours graduates. Cadets are required to undertake a two-years' course at the Canberra University College, where a special postgraduate School of Diplomatic Studies has been established.

⁷ It appears that, at present, duties are mutually divided so that one Commissioner specialises in matters of organisation and classification; the other in employer-employee negotiations, and awards and conditions of service. The Chairman deals with broad policy and new developments, including recruitment and training.

The Select Committee on Statutory Instruments, 1944-1949

By A. H. HANSON

I

Since 1944, the House of Commons has appointed each session a Select Committee on Statutory Instruments, as a means of reinforcing its control over delegated legislation. This Committee has met, on an average, fortnightly during sessions, and scrutinised all statutory instruments that are subject to parliamentary confirmation or annulment—an onerous task which it could hardly have accomplished without the expert assistance of the Counsel to Mr. Speaker, Sir Cecil Carr, whose unrivalled knowledge of delegated legislation has been placed at the Committee's disposal.¹

From its deliberations have come many routine reports, and a few very valuable Special Reports, which have drawn Parliament's attention to a variety of questionable departmental practices and suggested procedural amendments designed to put an end to anomalies and to increase the effectiveness of parliamentary control. One of these Special Reports² gave rise to the passing of the Statutory Instruments Act of 1946, which regularised the procedure and standardised the time-limit for "laying."

The affairs of the Select Committee—now generally referred to as the "Scrutinising Committee"—received a thorough discussion before the Select Committee on Procedure in 1946, where there developed an interesting exchange of views on its scope and methods. No agreed conclusions, however, were reached; and the Scrutinising Committee continues to operate under terms of reference substantially the same as the original ones of 1944 and by methods which appear to have hardened into an established routine. It should now be possible, therefore, to make some provisional estimate of the value of this body, and to suggest lines along which

its functions might conceivably be developed.

II

The origins of the Select Committee, being well known, need only the briefest description. The "Donoughmore" Committee on Ministers' Powers (1929-1931), accepting the suggestions of Sir Dennis Herbert,³ recommended the establishment of a Standing Committee which would have the double job of "vetting" Bills in respect of legislative delegation and of scrutinising statutory rules and orders.⁴ No action was taken to implement this recommendation, in whole or in part, until persistent parliamentary pressure, emanating mainly from Sir Herbert Williams' "Active Back Benchers" group, persuaded a rather reluctant Coalition Government to establish the present Select Committee, which fulfills the second—and more important—of the "Donoughmore" requirements.

Mr. Molson, proposing the motion (supported by 140 signatories) which gave birth to this body, explained that its duty would be to draw the attention of the House to orders which, while "perfectly legal and lucid," were "bureaucratic, vexatious, embarrassing and harassing to the subject." Mr. Herbert Morrison, then Home Secretary, in accepting the motion, indicated that the territory in which the Committee would move was that rather vague hinterland lying between *vires* and policy. "The terms of reference," he said, "must be such that the Committee does not do the work of the courts of law"; on the other hand, it must "protect the authority of Parliament and not the interests of a particular party or group."⁵

The terms of reference were accordingly framed. At present (mid-1949) the Committee is authorised to draw the attention of the House to a statutory

instrument on any of the following grounds: (1) that it imposes a charge on the public revenues; (2) that it is "made in pursuance of an enactment containing specific provisions excluding it from challenge in the courts," permanently or temporarily; (3) that it appears to make "unusual or unexpected use" of statutorily-conferred powers; (4) that it "purports to have retrospective effect" without specific statutory sanction; (5) "that there appears to have been unjustifiable delay" in the publication or in the laying of it before Parliament; (6) "that there appears to have been unjustifiable delay" in notifying it to Mr. Speaker under the provision of the Statutory Instruments Act relating to instruments which have come into operation before "laying"; (7) "that for any special reason its form or purport calls for elucidation."⁶

Of these clauses, the first three and the seventh date from 1944. The sixth, of course, is a consequence of the 1946 Statutory Instruments Act. The fourth was added, on the Committee's own suggestion, during 1945-6; it confers no new power, but provides a heading which specifically covers a type of irregularity which at that time was causing some concern. The fifth got its present shape in the same session, and for similar reasons, by the addition of the words "or in the laying of it before Parliament" to those of the original clause. Experience, which led to these minor amendments in the list of "irregularities," was also responsible for one modification of procedure, viz., power to report to Parliament, as well as to receive, memoranda and other evidence from the Departments.⁷

III

So far, the Committee has never had occasion to report an instrument under the first or second of these headings. All its reports have been in respect of unusual or unexpected use, retrospective effect, unjustifiable delay or need for elucidation.

There can be little doubt that these reports, together with the enquiries which have led up to them, have had a salutary effect on the Administration. The very fact that the Departments

know that their legislative instruments are being subjected to close independent scrutiny by a Parliamentary Committee which may at any time call for justificatory evidence has made them more careful about the form of those instruments and more punctilious in their compliance with constitutional proprieties. Whereas, in the session of 1945-6, 33 out of 947 instruments examined were brought to the attention of the House, in the session 1947-8 the corresponding number was 10 out of 1,189. Even before the coming into operation of the Statutory Instruments Act, the Committee was able to record a "notable improvement in punctuality." Since the Act became operative, unpunctuality has been almost eliminated (only one instrument being reported under this heading in 1947-8 as against 27 in 1945-6). Retrospective effect, too, which caused some trouble in 1945-6 (when the Committee secured parliamentary sanction for including it specifically in the terms of reference), occasioned no report in 1946-7 and only one in 1947-8—a case in which the Treasury was able to argue most effectively that the alleged retrospection was more apparent than real. Again, while no one (and particularly no member of the Scrutinising Committee) would assert that all ambiguities of "form and purport" in Statutory Instruments had now been eliminated, it is clear that the Committee's work has brought about some improvement in this respect. Many of its eminently sensible suggestions for improving intelligibility have been adopted by the Departments, with the result that bureaucratic idiocies of the type quoted by Dr. C. K. Allen disfigure the volumes of Statutory Instruments less frequently nowadays.⁸ Departments have been made aware—although not always sufficiently aware—of the need for frequent consolidations,⁹ and the standard of draftsmanship seems to be improving.¹⁰

In some other respects the Committee has been less successful. The demand, for instance, that instruments should always include an exact citation of statutory authority has met with resistance. Attention was drawn to this matter by the Committee's criticism of

the Coal Industry Nationalisation (Coal Acts) Regulations, 1947 (S.R. and O., 1947, No. 395), on the grounds that they did not "cite the sections of the Coal Industry Nationalisation Act, 1946, under which they were made."¹¹ It also became the subject of a debate in the House on 15th April, 1947,¹² when Sir John Mellor launched an attack on the "all other powers enabling" phrase used by the Treasury in its Regulation of Payments (General) Order, 1947 (S.R. and O., 1947, No. 343) as a substitute for specific reference to statutory powers other than those contained in the main enabling clause. Mr. Glenvil Hall, defending the Treasury, assured the Hon. Baronet "that these words were essential." In its Special Report for 1947-8, the Committee deplored citatory vagueness, but expressed confidence that all Departments were "now ready and willing to cite a reference to the powers exercised."¹³ In view of Mr. Hall's statement, however, it would appear that this confidence is more in the nature of a pious hope.

Another unsettled question with which the Committee has concerned itself is that of sub-delegation, a comparatively new growth in the administrative jungle. The practice certainly existed before the war,¹⁴ but did not attract much public notice until it assumed extreme forms under wartime emergency legislation. The Committee devoted a section¹⁵ of its 3rd Special Report of 1945-6 to the phenomenon, exposing to view what it described as the "Five-Tier" legislation arising from the Emergency Powers (Defence) Act, 1939, viz., "(a) the Statute; (b) the Defence Regulations made under the statute; (c) the orders made under the Defence Regulations; (d) directions made under the orders; and (e) licences issued under the directions." It criticised this hierarchy of legislative instruments on the grounds that it went beyond Parliament's intention when granting the original powers; tended "to postpone the formulation of an exact and definite law" and encouraged "the taking of powers meanwhile in wider terms than may ultimately be required." In its Special Report for 1947-8 the Committee returned to this subject. While recognising the "ad-

ministrative convenience" of sub-delegation, it stated that it remained "unconvinced that, when Parliament by statute delegates to a Minister a power to legislate by statutory instrument, the delegation can or should be interpreted (in the absence of specific provision to that effect in the statute) as authorising him to empower himself or other Ministers to make other ranges of instruments"; and it expressed concern at the possibility that such "directions, requirements and other details" might not take the form of statutory instruments and hence "escape any provision in the parent statute which would cause them to be laid before the House and be subject to annulment on motion."¹⁶ The whole issue of sub-delegation was brought into the parliamentary limelight by the Registration for Employment Order, 1947 (S.R. and O., 1947, No. 2409), an order in which the Minister "reserved to himself in several places a power to put the real substance . . . into something called a 'public notice'," not subject to laying before Parliament, scrutiny by the Select Committee or exposure to a "prayer." "If the Minister from time to time by public notice so requires," runs one of the offending passages, "any person of either sex . . . of any class or description specified in the notice" may be called upon to report to the nearest Labour Exchange. This order—popularly known as the "spivs and drones order"—received a full debate¹⁷ in the House on a motion to annul, which was defeated by 223 votes to 178. Mr. Isaacs, the Minister of Labour, made a strong—indeed almost impregnable—defence of its purpose, but seemed much less happy when dealing with the question of its constitutional propriety.

IV

The Committee, then, has not always found Parliament and the Departments ready to accept its point of view. But the list of achievements recorded and issues raised for discussion shows beyond doubt that this body has performed a real, if unobtrusive, public service. One cannot say, however, that it has fulfilled all the hopes of its advocates. The area in

which it can operate freely is a very restricted one. It can deal with the form and constitutional propriety of a statutory instrument, but it has no power to consider and report on the administrative policy that that instrument embodies—its “merits,” to use the accepted term. Now the “merit” of a statutory instrument is the aspect of it which interests Parliament more than any other. The occasions are comparatively rare when instruments are subjected to motions of annulment solely on grounds of their constitutional impropriety; for, after all, it is quite unusual for a Department to use delegated powers in a way that violates accepted constitutional understandings. The Civil Service’s well-known attachment to precedent is itself a guarantee—except in those cases where wartime precedents are used to justify administrative procedures inappropriate to a peace-time situation¹⁸—that nothing constitutionally “wild and woolly” is going to be done. Even when there is a strong *prima facie* case against a Department on these grounds, it can usually manage to make pretty plausible—and often very convincing—excuses for itself before the Select Committee, as the Memoranda and Minutes of Evidence attached to the Reports bear witness. And when it is caught in *flagrante*, its fault is rarely serious enough, in itself, to provoke more than a simulated constitutional wrath on the part of the member of His Majesty’s Opposition who decides that the occasion is one for “prayer.” Very seldom, it may be noted, does a member of the Opposition front bench choose to intervene on such an occasion. As Mr. Christopher Hughes has noted,¹⁹ the “political” prayers, not the “constitutional,” are the ones that give rise to sustained and lively parliamentary controversy.

The Select Committee, as we have seen, does everything possible to ensure that the constitutional sins of the Departments shall be infrequent and venial; but it is no part of this watchdog’s duties to draw its master’s attention to their alleged political sins, in which he is more continuously interested and in respect of which the difficulties of effective parliamentary intervention grow

steadily greater. As the Select Committee on Procedure pointed out in its Third Report, opportunities for discussing delegated legislation are “extremely limited and not altogether satisfactory,” being confined, on an average, to 1.6 days of parliamentary time per session (p. xi). It was hoped that the Scrutinising Committee would enable Members to use these limited opportunities more effectively, by sealing with its approval a large number of instruments to which ill-informed objection might be made, with consequent waste of parliamentary time on needless “prayers.” The fact, however, that most motions to annul are on grounds of merit, with which the Committee is forbidden to concern itself, has meant that these hopes have not been fulfilled.

It is clear that such sanguine expectations were genuinely entertained. Only quite recently, with the granting of wider and wider discretionary powers to the Administration, have Members of Parliament fully realised that the administrative policies embodied in statutory instruments are of fundamental concern to them. In 1930 Sir Dennis Herbert, the original advocate of the Select Committee, could state without contradiction before a highly critical investigating body that “in most of these orders . . . there is no question of policy involved.” It therefore followed that, with the establishment of such a scrutinising body, “instead of leaving it open to any Member of Parliament who wants to obstruct to raise some question on one of these things, you have a Committee which says ‘This is the only one out of 50 of these Orders to which Parliament ought to pay any attention whatever.’”²⁰ If this was the actual situation to-day, the problem of parliamentary control over delegated legislation would have been solved. As it is, there has been very little saving of time, no means of assisting the conscientious M.P. who faces the formidable task of assessing the merits of each of the more important instruments as it appears, and no reinforcement of parliamentary control, except in respect of that very narrow territory which “lies between *vires* on the one hand and policy on the other.” One is a little surprised,

therefore, to find the Chairman of the Scrutinising Committee, as late as 1946, stating ²¹ that its function is to save Members from the "inestimable amount of work" involved in reading "these things through themselves."

The distinction between the form and the content of statutory instruments, however, is often a very fine one, and there is a heading in the Committee's terms of reference which might be interpreted as giving it authority to consider questions of merit. As Sir Cecil Carr wrote in his Memorandum to the Select Committee on Procedure, the Order of Reference, in authorising the Scrutinising Committee to report on "unusual or unexpected use," "permits consideration of aspects not far removed from policy and merits." But the Committee has generally interpreted this authorisation in very conservative and restrictive ways. "The line taken from the beginning," said Sir Cecil by way of illustration, "has been: if you have a price-fixing order for potatoes ... and the price goes up 2d. or down 2d. that is policy and merits, but, if you found it went up suddenly by 10s., that was something you might regard as an unusual or unexpected use of the power."²² Even this interpretation of its duties with regard to "unusual and unexpected use," however, has betrayed the Committee, on one occasion, into participation in what was essentially a political controversy.

The occasion was provided by the Raw Cocoa Order (Control and Maximum Prices) (Amendment) Order, 1947 (S.R. and O., 1947, No. 552), by which the Ministry of Food raised the price of raw cocoa from 51s. to 119s. a hundred-weight. The evidence²³ taken by the Committee from the Director of Cocoa, Chocolate, and Sugar Confectionery at the Ministry of Food provides the student of international economics with most instructive reading, and was freely utilised by Members of Parliament in the debate on the subsequent prayer. It is perhaps surprising that no constitutional purist arose to suggest that the Committee had exceeded its terms of reference, particularly in view of the fact that Mr. Errol and others came dangerously near to using the evidence

of a Civil Servant as a means of sowing discord among Ministers of the Crown.²⁴

Perhaps the use made of its Minutes in this debate frightened the Committee, for it has never since reported an instrument as "unusual or unexpected" on similar grounds. Perhaps, on the other hand, there has been no occasion to do so.

In general, its interpretation of "unusual or unexpected" has been in accord with its Chairman's clearly-stated view²⁵ that any attempt to consider "merits" would have the undesirable effect of changing its deliberations "from being semi-judicial to wrangles on party lines." Of the eight instruments which appeared on the "unusual or unexpected" list for 1947-8, some were included because they appeared to affect injuriously and unnecessarily the traditional liberties of the subject (i.e. Registration for Employment Order, 1947, Seizure of Food Order, 1948), others because they appeared to carry sub-delegation to excessive lengths (i.e. Registration for Employment Order, 1947, Treaties of Peace Orders, 1948), one because it appeared to limit the authority of a quasi-judicial tribunal (Control of Employment (Directed Persons) (Amendment) Order, 1948), and one because it appeared dangerously to relax the rules governing the sale of poisons (Poisons (Amendment) (No. 2) Rules, 1948). The report on the Raw Cocoa Order, therefore, must be regarded as the Committee's only real excursion into the perilous field of merits.

V

Inevitably, the suggestion has been made that the Committee's terms of reference should be extended and its structure and procedure modified so as to enable it to occupy this field fully and openly. Much of the discussion of the Committee's affairs before the Select Committee on Procedure²⁶ centred on a proposal of this sort advanced by the Clerk of the House, Sir Gilbert Campion, in his Memorandum, accompanied by the further suggestion that the Scrutinising Committee should be empowered to inquire into and report on grievances arising from Statutory Instruments actually in operation, whether or not the

parliamentary prayer period in respect of them had elapsed.

These ideas had a cool reception from most of the other witnesses. The Speaker, in his evidence, expressed general satisfaction with the existing procedure. Sir Charles MacAndrew, Chairman of the Scrutinising Committee, declared his hostility to the proposed innovations. Sir Cecil Carr thought that all the omens indicated "that delegation of legislative power may have to be developed still further rather than to be fettered by a new type of supervision." The academic witnesses, Dr. C. K. Allen and Dr. E. C. S. Wade, were both opposed to the idea of extending the Committee's scope to cover merits, while Dr. Allen also disliked the proposed authorisation to investigate grievances, on the grounds that the "proper method for the redress of grievances under delegated legislation is recourse to the courts of law." Of all the witnesses, only Mr. James Stuart appeared to think Sir Gilbert's proposals worthy of consideration as a whole; and only Dr. Wade gave positive support to the "inquiry into grievances" part of them. The Government Memorandum rejected the ideas of the Clerk of the House without offering any alternative ones of its own. The principal Government witness, Mr. Herbert Morrison, said that "most of the Instruments did not raise issues of controversy" and expressed his fear that if the Scrutinising Committee got "into the field where there is Government and Opposition functioning, it might take an awful lot of time."

In general, those who opposed the consideration of merits by the Committee concentrated on the point that it would draw that body into the party-political arena and destroy the semi-judicial quality of its deliberations. Difficulties of organisation were also suggested (particularly by Sir Charles MacAndrew, who dwelt at some length on the heavy labour involved in operating even the existing terms of reference); and the Government, in its Memorandum, said that the new proposal "would mean that Ministers would have to attend before the Select Committee to

defend the policy embodied in subordinate legislation." Some witnesses also maintained that no Scrutinising Committee could discuss the merits of a politically-controversial instrument without also discussing the wisdom of the statute under which it was made. As for the consideration of grievances, the general opinion seemed to be that a committee undertaking such inquiries would be swamped with business. "Cases of hardship," wrote Sir Cecil Carr, "may arise in hundreds, if not in thousands. How can they be sifted? Will every discontented motorist be allowed to complain of the Control of Motor Fuel Order? Will every householder be allowed to raise his troubles over the restriction on repairs or the delay in requisitioning premises?" The Government stated that the effect would be to enable "the Select Committee to inquire into all phases of Government administration within the very wide field now covered by delegated legislation."

In his reply to these criticisms, Sir Gilbert emphasised that by "merits" he meant "the merits of a Statutory Instrument as an exercise of the powers delegated" and stated his belief that these could be separated—although sometimes with difficulty—from the policy of the parent statute. There would be no need to examine Ministers, as "the officials who are competent to make these orders would be competent to explain their purpose and the reasons for making them." Even if Ministers did get involved, the purely advisory character of the Committee would ensure that there was no derogation from their parliamentary responsibility. On the danger of party divisions arising within the Committee, Sir Gilbert gave it as his opinion "that the smaller the body the less likely it is to suffer this fate," particularly when it cannot present a minority report. On the "grievances" question, he clarified his intention by stating that the Committee would inquire, not into the individual grievances themselves, but into "the operation of instruments which had been the subject of reasonable complaint." To do this effectively it would have to divide itself into sub-committees, a reorganisation which would result in

the confiding of its existing functions to one sub-committee.

That the members of the Procedure Committee were impressed by Sir Gilbert's reply to his critics is suggested by the fact that they decided to reserve judgment on these issues, and proposed the appointment of another Select Committee to inquire into the whole subject of delegated legislation and the procedure of the House in relation thereto. Indeed, if one agrees that Parliament should exercise more stringent and continuous control over delegated legislation, it is difficult to resist the force of Sir Gilbert's arguments. I, for one, cannot see that any grave constitutional dangers would arise from giving the Scrutinising Committee terms of reference as wide as those enjoyed by the post-war Estimates Committees. These bodies, charged with the duties of examining "such of the Estimates presented to this House as may seem fit" to them, suggesting "the forms in which the Estimates shall be presented for examination," and reporting "what, if any, economies consistent with the policy implied in those estimates may be effected therein" have interpreted their powers widely enough to permit a detailed examination of financial procedure, and, arising therefrom, a critique of the efficiency of the administrative methods employed to achieve given results. A passage from the Report on the Ordnance Factories (session 1947-8)²⁷ will illustrate how deeply these Committees are thereby enabled to penetrate into matters of policy, viz., "The two tasks are, first, to maintain in the Ordnance Factories and Admiralty Establishments a war potential for munitions production by preserving an adequate nucleus of skilled labour and by keeping the requisite machinery to meet an emergency; secondly, to make the most economic use of this labour and industrial capacity to satisfy the needs of the Services and, subject thereto, to give assistance in producing goods for civilian needs. Your Committee, in their conclusions, will attempt to see how far each of these tasks has been successfully carried out, and to what extent the right balance has been achieved." If

the Estimates Committee can be freely allowed to enter into such questions of merit, why cannot the Scrutinising Committee? If the Estimates Committee can be relied upon to distinguish between the policy implied in the Estimates and the measures taken to implement that policy, why cannot the Scrutinising Committee be trusted, when considering the merits of a statutory instrument, to avoid criticising the policy of the enabling statute? If the former's investigations are compatible with the preservation of ministerial responsibility, why should those proposed for the latter be incompatible with it? If the Estimates Committee does not find it necessary to examine ministerial witnesses, why should the Scrutinising Committee?

The parallel implied by these rhetorical questions can be carried further. The Estimates Committee, like the new Scrutinising Committee suggested by Sir Gilbert Campion, has the power to divide into sub-committees. It also proceeds by pushing a series of major inquiries, one at a time, into separate fields of administration, in the same way as the Scrutinising Committee, as reformed by Sir Gilbert, would conduct "major inquiries into groups of instruments made to carry out one or more of the purposes laid down by a statute or dealing with one whole subject matter under different acts." Finally, if the Scrutinising Committee's terms of reference were widened as suggested, it would be able to produce reports equal in bulk, detail and value to those nowadays emanating from the Estimates Committees, which constitute a liberal politico-economic education, instead of the little two- and four-page things, consisting mainly of lists of instruments considered but not reported on, which to-day—apart from the Special Reports—are the only outward manifestation of its very considerable labours.

What these proposals would achieve, in fact, is the creation of something very similar to those advisory and consultative committees of M.P.s, attached to Departments or groups of Departments, which have been advocated so persuasively by students as diverse in outlook as Professor Laski, Professor Wade, Com-

mander King-Hall, and the late E. F. Wise. Such committees would enable a large group of Members to acquaint themselves with the practical problems of administration, would promote more intimate—and, one hopes, more friendly—relationships between the legislature and the administration, and give persistent “prayers” an opportunity of exercising real creative influence over the process of delegated legislation instead of wasting their eloquence in ineffective attacks on alleged bureaucratic vice before an apathetic and almost-empty House. The fact is—or so it seems to me—that the House as a whole cannot give more than occasional and sporadic attention to the merits of delegated legislation and hence must either abandon all attempts at continuous control or delegate the responsibility for ensuring that the administration does not violate its expressed intentions to small groups of its Members, equipped with wide powers of investigation and report.

VI

Why, then, has the present Government, like its predecessors, set its face against progress along these lines?

The reasons, I think, are fairly complex. Complacency about the merits of the existing machinery of government seems to be one factor. Another may be the persistence of a sort of half-acknowledged belief in the legendary “separation of powers,” such as was implied in Mr. Morrison’s former claim that “it would be an error to try to get . . . delegation half-way back” by “trying to put into the middle of this new legislative process a Parliamentary Committee.”²⁸ But the most important factor, particularly at the present moment, would appear to be a political one.

The present Government’s legislative programme, as is well known, has involved a considerable extension of delegated legislation. Although the actual number of statutory instruments fluctuates from year to year, the degree of administrative discretion embodied in them has widened enormously, and their impact on the life of the community can be seen—almost literally—at every street corner. It is only natural, there-

fore, that those who oppose Labour’s legislative programme should also express hostility to the means by which it is being enforced. Not a little political capital can be made from attacks on “bureaucracy,” particularly at a time when the Civil Servant is not exactly a popular figure. Consequently, demands for more Parliamentary control over delegated legislation, and attempts to utilise such means of control as exist, have tended to come exclusively from members of the Opposition, and to be associated with their attacks on nationalisation and on certain aspects of the new social services. Most of the prayers, including those based on Reports from the Select Committee, have arisen from the “rump” of Sir Herbert Williams’ “A.B.B.s”—a group which the average Labour M.P. regards as ultra-reactionary. The conclusion he seems to draw is that if the Conservatives approve of increased parliamentary control over delegated legislation, this must necessarily be a Bad Thing. It would increase opportunities for obstruction; it would delay vital reforms; it would throw a spanner into administrative machinery already suffering visibly from overstrain.

Hence a noteworthy lack of enthusiasm on the Labour benches even for the present Scrutinising Committee—except on the part of those few who are or have been members of it. Hence, too, the refusal of the Government to allow free votes on “prayers” raising constitutional questions—a refusal not, perhaps, unreasonable in view of the fact that the opposition rarely fails to make use of such opportunities as are allowed by the Speaker on these occasions to link form with content and to identify “socialism” with “bureaucracy.”

There can be little doubt that here we have the basic reason for the Government’s rejection of Sir Gilbert Campion’s proposals to the Select Committee on Procedure. In an interesting passage of arms²⁹ with Mr. R. H. S. Crossman, a member of that Committee, Sir Gilbert was induced to admit that his “view of the constitution” was a “traditional” one, as opposed to the “new view” held by Mr. Crossman (who appeared to see little danger in an almost indefinite

extension of delegated legislation on the existing pattern). During the course of the discussion, Mr. Crossman stated that "it was really a party interpretation whether or not you want this further check" (i.e., the extension of the Scrutinising Committee's terms of reference to cover merits and grievances). "Obviously," he continued, "the Government tends not to want it; obviously the Opposition tends to want it. One Party wants to go faster, the other wants to go slower."

This point was even more strongly made, two years earlier, by another Labour Member, speaking in the debate on Mr. Molson's motion to establish the Scrutinising Committee. This member, Mr. Moelwyn Hughes, described the proposed Committee as "the thin end of the wedge for the obstruction of necessary post-war legislation." As against Conservative speakers, he maintained that delegated legislation was "to a large extent responsible for the liberty of the individual" and instanced the Statutory Rules and Orders made under the Trade Boards Acts, Factories Acts, Workmen's Compensation Acts and Public Health Acts. "It is because I am not satisfied with the motives," he said, "of those who are now pleading for the need of further restrictions upon delegated legislation, or that their motive is the liberty of the subject, but because I am satisfied that what they want to do is to obstruct as far as they can the necessary social legislation of this country, that I regret the concession which the Government have made."³⁰

A similar point of view, necessarily couched in more guarded terms, was expressed by the late Ellen Wilkinson in the note which she appended to the Report of the Committee on Ministers' Powers (pp.137-8).

No one who realises the inadequacy of the conception of "liberty" which some of our politicians have received intact from the hands of Jeremy Bentham and Herbert Spencer, or who understands the impossibility of returning to even a modified régime of *laissez faire*, can fail to have some sympathy for this outlook, whatever political label he may wear. But it seems to me that

by now he should also perceive that, beneficent as much of our present bureaucracy may appear, its continued growth raises problems which cannot be dismissed with a shrug of the shoulders and a vague reference to "new views" of the constitution. A "new view" there undoubtedly must be, but the question is whether this particular "new view" is really progressive as well as novel. My own belief is that complacency on the subject of the growth of bureaucratic institutions—which is what the "new view" amounts to, at bottom—is, perhaps, even more dangerous than the wild talk of "totalitarianism" which is periodically heard from the other side of the House. For the growth of bureaucracy is a *real* problem, not an imaginary one created by the Conservatives for their own political convenience. All too rarely is this understood on the Labour benches. The Member for Burslem, Mr. Maclaren, perhaps had the essence of the matter in him when he said, during the debate of the motion to establish the Scrutinising Committee: "While allowing the foundation causes of economic injustice to remain, the House of necessity passes one Bill after another to mitigate poverty and this crop of Bills creates an army of bureaucrats to go round the country to administer them"³¹; but his speech as a whole struck a semi-anarchist note and was lacking in constructive proposals. I have drawn attention to it, not because of any intrinsic worth it may possess, but because of the rarity with which a Labour Member expresses such sentiments. Normally, it is the Conservatives who attack "bureaucracy," and the Socialists who faithfully fly to its defence.

Yet the Labour Party, if it is serious about its intention of combining socialism with democracy, will have to realise, sooner or later, that the problem of keeping the administrator in his proper place, as the servant of the people, intelligently responsive to public opinion, has become an urgent one—*more* urgent, in fact, from a Socialist than from a Conservative point of view. The familiar incantation, "We have the finest Civil Service in the world," is rapidly losing whatever magic it once possessed. A political régime in which Parliament

lays down general principles and leaves the rest to an overworked body of professional administrators, while the people's role is confined to that of choosing every five years or so, which of two sets of amateurs shall exercise nominal control over a well-entrenched body of experts, is neither socialist nor democratic. To say that our constitution has already reached this stage of "totalitarian" degeneracy would not be true; but there are signs that we may be moving towards it.

It has been implied, by Mr. Christopher Hughes, that another reason for Parliament's neglect of the constitutional issues involved in the growth of delegated legislation is that most M.P's neither understand nor want to understand them. This view, I maintain, is rather less than just to our Parliamentary representatives. It is true that, when a prayer is moved to annul a statutory instrument which the Select Committee has reported to the House, the attendance is usually thin and the debate desultory. Fundamentally, however, the reason for this lack of enthusiasm is not that M.P's are "constitutionally" apathetic but that the prayer provides a most awkwardly-shaped peg on which to hang constitutional issues. Controversy is confined to the document under discussion, and there is no "opportunity of considering the whole policy of a department in using its powers of delegated legislation in relation to a particular purpose or a particular subject." It is for this reason—and not because the constitution has ceased to inspire their noblest thoughts—that most M.P's appear to be not very interested in the legal niceties that form the substance of so many of Sir John Mellor's speeches; and indeed, one can hardly tell from the Parliamentary reports whether this most persistent of "prayers" is a doughty champion of constitutional liberties or a Conservative lawyer who specialises in causing minor embarrassment to a Labour Government by periodically displaying the latest item in his extensive collection of administrative *faux pas*. Sometimes he raises a genuinely important question, but more often one that can only be described as pettifoggery; and there follows a debate which is only

saved from confusion when it is confined to the lawyers in the House. When the constitutional issue happens to be associated with one of merit—as it usually is—and the debate develops into a "free-for-all," confusion reigns supreme. Form and substance become hopelessly mixed up in Members' speeches, and eventually the House divides *once* to express its opinion on *two* separate and distinct issues. Need we be surprised that the prayer, except when it provides the occasion for a major attack on the Government's politics, fails to arouse much interest and enthusiasm?

The right of praying against a statutory instrument is not to be despised. Even Mr. D. N. Pritt, who can hardly be accused of unreasoning respect for tradition describes it as a "very important right."³² But it is obviously no substitute for systematic Parliamentary enquiry into delegated legislation, and its exercise, as Mr. Pritt pointed out when he made the above remark, may often achieve no more than a waste of valuable debating time. Members justifiably resent having to waste their time in this way, but I feel sure that they would welcome periodical opportunities of discussing "the whole policy of a Department in using its powers of delegated legislation in relation to a particular purpose or a particular subject." If the House can have a long and valuable debate on the Organisation of Defence, I am certain that it could spend equal time no less valuably discussing a particular field of delegated legislation, provided that the issues were presented to it clearly and intelligibly in a report from a Select Committee.

At the same time, it is necessary to say that the modifications of Parliamentary procedure which have been suggested would, in themselves, be only part of a solution to the problem of bureaucracy. The whole machinery of government is in urgent need of review. The problem of delegated legislation is only a facet of that wider problem which involves the whole relationship of administrative authorities with representative bodies, both national and local, with

voluntary associations, and with that elusive entity "the individual." This broad question has been raised many times and in many different forms, but it has perhaps never been more clearly defined—in the House of Commons at least—than by Mr. Denman in the debate of 17th May, 1944. "Delegate legislation to our Executive," he said,³³ "and it will grow there more and more, strengthen the arms of the Executive and give them, not only administrative but legislative and judicial powers as well, and make the Executive unduly powerful and over-balanced. Alternatively, we can develop that other scheme of delegating to democratically appointed legislative bodies that are

subordinate to Parliament. Give Parliament some satellites, delegate work to those, and you maintain the democratic spirit. Otherwise you will very easily slide pretty rapidly into a confirmed system of bureaucracy from which you will be saved not one little bit by all these devices of examining committees."

A study of the achievements and limitations of the Select Committee on Statutory Instruments inevitably leads, therefore, to yet another attempt by the political theorist to convince the politician that events are now moving too fast for the "normal processes of constitutional growth" to keep pace with them.

¹ For the establishment of the Committee see PUBLIC ADMINISTRATION (Summer 1944), pp. 119-20. For its procedure see Select Committee on Procedure, Third Report (H.C. 189-1 of 1945-6), pp. 248-9. A brief but useful review of some aspects of the Scrutinising Committee's work may be found in R. C. Fitzgerald: *Safeguards in Delegated Legislation* (Canadian Bar Review, May, 1949).

² H.C. 113 of 1944-5. ³ Vol. II: Minutes of Evidence, pp. 228-41.

⁴ Report, Recommendation XIV, pp. 67-70. ⁵ H.C. Deb. 400, cols. 209, 274, 269.

⁶ H.C. 6 of 1948-9.

⁷ Reports of Select Committee: H.C. 94 of 1944-5, p. 2; H.C. 187 of 1945-6, pp. xxii, xxv.

⁸ Reports: H.C. 187, pp. vi-vii; H.C. 201 of 1947-8, pp. v-vi, xiv-xvii.

⁹ H.C. 201, p. xvii; H.C. 141 of 1946-7, p. xi; H.C. 187, p. xxiii.

¹⁰ H.C. Deb. 436, cols. 123-4. ¹¹ H.C. 141, p. vi.

¹² H.C. Deb. 436, cols. 107-27. ¹³ H.C. 141, p. x.

¹⁴ Instances from 1920 are given by the Board of Trade in its Memorandum on the Treaties of Peace Orders, in H.C. 201, pp. vi-viii. "Sub-statutory legislation," as it used to be called, was mentioned by Sir Cecil Carr in his "Delegated Legislation" (1921) and again in his Memorandum to the Committee on Ministers' Powers (Minutes of Evidence, p. 207).

¹⁵ H.C. 187, p. xxv. ¹⁶ H.C. 201, pp. xiv-xv, Minutes of Evidence, p. 1.

¹⁷ H.C. Deb. 445, cols. 483-538. On the difficulty of determining whether a statute does or does not confer on a Minister the power of subdelegation, see Willis: *Delegatus non potest delegare* (21 Canadian Bar Review, 257); de Smith: *Subdelegation and Circulars* (12 Modern Law Review, 37); Garner: *The Delegation of Administrative Discretion* (27 Public Administration, 115).

¹⁸ As by Sir H. Wiles, of the Ministry of Labour, in evidence on the "Spivs Order" before the Scrutinising Committee: "... we have really just carried on in the way in which we carried on for most of the war. ... We have not changed the method at all." (H.C. 201, Minutes of Evidence, p. 1.)

¹⁹ PUBLIC ADMINISTRATION, Summer, 1949, pp. 111-4.

²⁰ Committee on Ministers' Powers, Vol. II, Minutes of Evidence, pp. 237, 238.

²¹ H.C. 189-1, p. 254. ²² *ibid.*, pp. 244, 250. ²³ H.C. 141, pp. 1-4.

²⁴ H.C. Deb. 437, cols. 1634-68. ²⁵ H.C. 189-1, p. 243.

²⁶ *ibid.*, see pages viii-xii, xxvii-xxviii, xlv-xlv, 78-82, 83, 95-6, 100, 148-52, 153, 169 242-300, 352-6, 377-85.

²⁷ H.C. 200, p. xiii. ²⁸ H.C. Deb. 389, col. 1656. ²⁹ *loc. cit.*, pp. 380-1.

³⁰ H.C. Deb. 400, cols. 278-80. ³¹ *ibid.*, col. 281.

³² H.C. Deb. 421, col. 2472. ³³ H.C. Deb. 400, col. 287.

Report of the Committee on the Political Activities of Civil Servants*

In February 1948 the Chancellor of the Exchequer announced that, following representations by the Staff Side of the National Whitley Council on political activities by civil servants, the Government recognised that there was a case for considering whether the present rules required modification. So that the Government might have the advice of an independent body of opinion he set up a Committee under the chairmanship of Mr. J. C. Masterman with the terms of reference :—

To examine the existing limitations on the political activities (both national and local) which may be undertaken by civilian Government staffs, and to make recommendations as to any changes which may be desirable in the public interest.

Quite apart from the Staff Side request for greater freedom, there was good reason to look at the matter afresh. The Macdonell Commission had reviewed the difficulties involved, but the consequences of two World Wars—the increasing concern of government with the day-to-day life of the citizen and the citizen's increased interest in the processes of government—had materially altered the scope of the problem. Between the wars some of the ground had been covered by the Blanesburgh Committee, but that Committee was primarily concerned with actual candidature for Parliament or municipal bodies and only dealt indirectly with the broader question of "political rights"—i.e. the right to engage in such political activities as belonging to a party, canvassing for it, holding office in its organisation, and appearing on the platform or speaking at its meetings.

The evidence which the Masterman Committee received has not been published, but its witnesses included senior officials of the principal Departments of State, Staff Side representatives and a number of authorities on public affairs (among them the Institute's President, a

Vice-President and a Council member). Written evidence was obtained from associations of local authorities and from the Governments of a number of other countries inside and outside the Commonwealth. Students of public administration will regret that the Committee did not follow the precedent set by the Blanesburgh Committee which published lengthy excerpts from the memoranda it obtained to describe the rules applicable to the Civil Services of other countries.

The Committee's report was published on 28th June, 1949. At the moment of writing, a final announcement about the action that the Government will take has not been made. On the day of publication the Chancellor told the House of Commons that the Government accepted the Committee's recommendations; detailed arrangements to carry them into effect were under consideration and would be promulgated as soon as possible. There was no indication in the Chancellor's statement that the Government expected the report to be received otherwise than favourably by the Staff Side, but in a short time it became apparent that neither the Committee's views nor the Government's plans to give them immediate effect commended themselves to the staff associations. A special meeting of the National Whitley Council was held on 22nd July. After it an official press announcement disclosed that the Staff Side had expressed great concern that they had not been consulted about the Committee's recommendations; the Official Side had undertaken to report the Staff Side's representations to Ministers and, in the meantime, action to implement the recommendations was suspended. During the adjournment debate in the Commons on 30th July members on both sides of the House urged Ministers to defer a decision until further time had been allowed for discussion; the Government spokes-

* (Cmd. 7718) H. M. Stationery Office. Pp. 42. 9d.

man said that Whitley discussions would continue and that the Government were in no doubt that the Committee's recommendations would have to be looked at again.

In examining the "existing limitations" for the purpose of framing those recommendations the Committee found in the forefront the statutory incompatibility between membership of the Civil Service and membership of the House of Commons. But most civil servants are subject to a sterner rule which requires them to resign before taking any overt step towards becoming a Parliamentary candidate, while the hazard of the poll still lies ahead; only those employed in an industrial capacity in certain establishments under the Service departments are able to defer resignation until they know they have secured election. The regulations about other types of political activity vary from one department to another, but, as a general rule, non-industrial civil servants are "expected to maintain at all times a reserve in political matters and not to put themselves forward prominently on one side or the other"; industrials are free from any such restriction. Heads of departments determine whether the staff may serve on local councils. Permission is not normally given to officers serving in departments or branches which are in contact with local authorities, but some departments permit local government candidature freely provided the duties do not conflict with the officer's duties to his department; all industrials are allowed to take part in local government without restriction.

The important point about this state of affairs is the extent to which it has been left to departments to work out their own rules, without any uniform code of regulations laid down from the centre and interpreted uniformly under Treasury guidance. The Committee notes some of the variations in passing—e.g. that in the Post Office there is considerable freedom to take part in canvassing—but it gives no statistical information from which the reader can form a view on what has been happening in practice. The Committee, in fact, rejected as unworkable the idea that it might be desirable as a matter of general

principle to differentiate between departments on the grounds that some are more closely concerned with policy matters than others, and it may be that minor variations in the practical working of the existing limitations did not seem an important topic of enquiry to a Committee confronted by the National Staff Side's demand for a uniformity to be arrived at by virtually abrogating most of those limitations.

In judging the Staff Side claim that no civil servant of any grade should be prevented from seeking entrance to Parliament and that specific restrictions on other political activities should be withdrawn (in reliance on the good sense and discretion of individual officers) the Committee describes itself as having sought to reconcile the preservation of existing confidence in the traditional impartiality of the Civil Service with the grant of freedom to play an active part in the affairs of the State to as many employees of the State as would be compatible with the reputation of the Service. The report stresses the need which Ministers must feel for impartiality among their closest advisers and the reactions to be expected from public opinion if it became suspected that the decisions taken in local offices on claims for insurance benefits, liability to tax or national service, and entitlement to rationed commodities were taken by persons not completely detached from party allegiance. (It is also urged that promotion might be swayed by political bias—a risk which may have seemed serious to the Macdonell Commission reporting in 1914, but which can surely be disregarded nowadays, unless in the case of really senior appointments, with the growth of staff associations and the development of Whitley machinery throughout the Service.) The Committee admits that only a part of the Service spends its time either advising Ministers or adjudicating upon the claims handled in local offices; but it has formed the opinion that the members of the professional, executive, clerical and typing grades who co-operate (or might, on promotion or transfer, be liable to co-operate) with the Minister's administrative advisers must be regarded as working together as members of a

team, and that the same basic principles apply to all of them.

All this leads to the general conclusion :—

“that to preserve the attitude of detachment in all civil servants in whom its absence might adversely affect the public service is so important as easily to outweigh any hardship felt by individuals who are deprived of the freedom to propagate political views among their fellow citizens. It will certainly justify maintaining the deprivation in some cases in which the risk is only slight. The public service should, in our view, consistently be given the benefit of any doubt. Any weakening of the existing tradition of political impartiality would be the first step towards the creation of a ‘political’ Civil Service.”

Having reached this conclusion, the Committee decides that it is both possible and necessary to draw a horizontal line of demarcation through the whole Service, dividing off those who must be excluded from party-political activity from those whose political activities would not entail prejudicial consequences.

The “below the line” category would consist of 400,000 industrials, 50,000 members of the minor and manipulative grades (chiefly messengers, porters and cleaners) and 200,000 Post Office manipulative staff (telephonists, postmen, sorters and counter clerks). Because of their resemblance to workers following similar occupations outside the Service or because there is very little which is discretionary in their work, the Committee would permit them the fullest political freedom, including the right to stand for Parliament without resignation unless elected and with the hope in certain cases of securing reinstatement if they later cease to be M.P.s.

The “above the line” category would consist of everyone else—from the clerical assistant to the permanent secretary. (The Committee would add to their number the Service departments’ constabularies and, by a majority,

supervisory members of Post Office manipulative staffs.) Here the existing ban on Parliamentary candidature should be retained and the tradition of reserve in other political matters in the national field should be reinforced by specifically prohibiting various manifestations of political opinion such as canvassing or writing articles expressing views on party political matters. The Committee is conscious of the widespread identification of local government politics with national party politics but is reluctant to see “above the line” civil servants entirely excluded from local government work. It therefore proposes that for an experimental period of five years a compromise should be tried under which a civil servant having obtained his department’s permission on roughly the same terms as now may become a candidate for a local council under the label of a particular party provided that during his election campaign he treats himself as still bound to observe the convention requiring reserve in political matters by eschewing anything which is not a local issue in his speeches and writings and by refraining from giving any sort of support to the other candidates whom his party is putting forward. The Committee thinks it possible that experience will show the distinction between local government and national politics to be untenable; if so, it would expect the liberty to be withdrawn at the end of the five-year period.

The report records that when inviting the Committee’s members to serve on it the Chancellor told them that, whilst the Government agreed that there was a case for investigation, they would be totally opposed to any radical change in the non-political status of the Civil Service. From a Committee so guided—and, indeed, from any advisory body not actively encouraged to propose a breach in a long tradition—an endorsement of the part of the Staff Side case dealing with unrestricted Parliamentary candidature could scarcely have been expected. Many people will wonder, however, whether the Committee’s treatment of the other kinds of political activities, including local government work, has not been somewhat influenced

by its having been obliged to consider them in conjunction with the more extreme claim.

It is, at any rate, certain that the staff associations representing the 470,000 civil servants "above the line", while rejoicing in the good fortune of the industrial and minor and manipulative grades, consider that the implementation of the Committee's proposals would seriously worsen the conditions which at present govern the political activities

of the "white collar" grades. The Committee apparently did not think so: it uses the word "redefine" to express what it has tried to do with the existing rules on political activities in the national field. It seems a pity that at the end of its labours two big questions of fact are still not authoritatively answered—how much political activity are civil servants undertaking nowadays within the existing rules and what harm has resulted.

J. A. JOHNSTONE.

G. H. Stuart-Bunning, O.B.E.

We regret to announce the death of Mr. G. H. Stuart-Bunning on the 19th June, 1949 in his 79th year. He was one of the earliest members of the Institute and will be well known to those members who attended the various Conferences. In discussion and in writing he had a clear and pungent method of expressing himself, a good example being, his article on the Post Office Mystery (Public Administration Vol. X. 1932). But his main claim to the gratitude of the public services is the key part he played in the establishment of the Whitley Council for the civil service. On this, Miss Rose Smith-Rose, herself a former member of the first National Whitley Council has written in the August 1949 issue of the WHITLEY BULLETIN.

"His place in Civil Service history is assured for none can deny him the main credit for securing the granting of full-blooded Whitleyism to the Civil Service in 1919 by the Government of the day. When the original Whitley Report had been accepted by the Government and appeals sent by the Ministry of Labour to all employers' associations and trade unions to form industrial councils, it was Stuart-Bunning who visualised the potentialities of Whitleyism in the Civil Service and went to the House of Commons to see Mr. J. H. Whitley (then Speaker) to ask whether it was the intention of the Whitley Committee to leave the Service outside the scope of their proposals. Mr. Whitley's assurance that the Whitley system was regarded as equally appropriate to national and local government service as to industry was followed by some intensive staff work culminating in the historic meeting of staff representatives at Caxton Hall in 1919 when the then Chancellor of the Exchequer, Austen Chamberlain, sought to impose an emasculated form of Whitleyism on the Civil Service. The Chancellor was out-generalled by Stuart-Bunning who by really brilliant tactics created a situation

in which no alternative was left open to the Chancellor but to yield gracefully to the desire of the Service for the acceptance of the full doctrine of Whitleyism and to set up a committee to frame an acceptable scheme. As Bunning himself said of that memorable occasion, "For once the Service was not only solid, but silently solid"—as the tactics of the situation demanded, no proposal apart from Bunning's vital amendment to the Chancellor's offer being brought forward to fog the issue. But for his leadership at that fateful time Whitleyism as known in the Service to-day would have remained unborn, at any rate until the staff movement had become possessed of greater strength and unity than it had in those troublous days when co-operation between the associations was the exception and not—as now—the rule.

"During his six years leadership of the Staff Side as Vice-Chairman of the newly-formed National Whitley Council, Stuart-Bunning brought to all his duties qualities of statesmanship which made his contribution to Service Whitleyism in its formative years of outstanding value. He had vision and foresight far beyond most people and a lightning quickness of brain and speech. I have met no one with a quicker grasp of essentials in the examination of memoranda. . . .

"To the man whose foresight and great gifts led to its inception in 1919 and largely shaped its course during the early fateful years I now pay tribute. Like so many of his kind he could not suffer fools gladly. He could be very caustic at times and his remarks were sometimes very wounding. But those who got to know the man himself saw that, underneath, his nature was kindly and he was ever ready to be helpful. Many of his colleagues had reason to be grateful for his sound advice and to the end of his life he never lost what Kipling described as "the common touch."

Summary of Reports of the Hoover Commission

Part II

FOREIGN AFFAIRS

Legislation which grants new foreign affairs powers of an executive nature otherwise than to the President or to an established executive department or agency will normally cause serious difficulty in efficient administration. Such legislation should not be adopted unless there are overwhelming advantages in creating a new agency. Legislation making specific grants of foreign affairs powers and of supporting funds below the level of the appropriate department or agency head should be avoided.

Recommendations concerning the President

Cabinet level committees, with their memberships and assignments fixed by the President are necessary in crucial areas in the conduct of foreign affairs where the issues transcend the responsibility of any single department and where Presidential consideration or decision is necessary. The successful functioning of Cabinet-level and other interdepartmental committees in the foreign affairs area should be facilitated by the assistance of specific institutional aids in the Executive Office and the State Department.

Each permanent or semi-permanent Cabinet-level committee, moreover, such as the present National Security Council and National Advisory Council, will ordinarily require a full-time executive secretary, and a small nucleus of staff supplemented by additional staff drawn from the regular policy units of the departments and agencies participating in the work of the various committees.

Recommendations relating to the State Department and the Foreign Service

The State Department should concentrate on obtaining definition of proposed objectives for the United States in foreign affairs, on formulating proposed policies in conjunction with other departments and agencies to achieve those objectives, and on recom-

mending the choice and timing of the use of various instruments to carry out foreign policies so formulated.

The State Department as a general rule should not be given responsibility for the operation of specific programmes, whether overseas or at home.

The State Department should continue to discharge its traditional responsibilities of representation, reporting, and negotiation.

The State Department should be organised so that the Secretary of State, legally and practically, is in command of the Department and the Foreign Service, so that the line of command from the Secretary of State through the Under and Assistant Secretaries⁸ to the lowest level is clear and unencumbered, and so that the Secretary of State is provided with adequate staff services at the top level. The Department should also have authority and funds to equip itself with persons of the highest capacity to represent this country at international organisations and conferences.

Internal Organisation, General Pattern

The strengthening of the Secretary and Under Secretary level by the addition of two Deputy Under Secretaries,⁸ the one to act in matters of substance, and the other, as "general manager," to administer the Department and the overseas service.

The fixing of responsibility for action in five line units under five Assistant Secretaries.⁸ Four of these Assistant Secretaries would head up regional units, with the responsibility for the four traditional geographic segments of the world. A fifth would be in charge of relationships with international organisations, including the United Nations and its affiliated organisations.

The provision of adequate staff services to the Secretary and Under-Secretary and to the line units consisting of: an Assistant Secretary, Economic and Social Affairs . . . ; an Assistant Secretary for congressional relations . . . ; an Assistant

Secretary, Public Affairs . . . ; the Legal Advisor . . . ; a Planning Advisor . . . ; a Special Assistant, Intelligence . . .

The Assistant Secretary, Economic and Social Affairs, should concentrate on providing a source of economic, social, and other advice from a global standpoint and upon serving as a channel of communication and focal point of co-ordination with the other departments and agencies in the executive branch.

The Assistant Secretary, Congressional Affairs, should be responsible on a full-time basis for establishing a co-ordinated programme of two-way liaison with the Congress.

The Assistant Secretary, Public Affairs, should concentrate on serving as a high level staff adviser on domestic and foreign public opinion, and as chief of press relations and other media of public relations for the State Department.

The Secretary of State should continue the present high-level planning activity under a Planning Adviser, with special emphasis on freeing him and his staff of current problems, upon providing him with broad-gauge staff, and upon utilisation by him of competent advice from inside and outside the Government.

The centralised intelligence unit in the State Department should be reorganised and reoriented, and intelligence advisers should be assigned to the regional action units.

The Operations Committee, with the Under Secretary or Deputy Under Secretary for substantive matters as chairman, and staffed by the Executive Secretariat, should be made the co-ordinating link between the action and staff segments and between the various units within each segment.

Action Responsibilities

The fundamental world objectives and foreign policies of the United States should be continuously defined so as to permit delegation of authority to the line units to take action within the objectives and policies so defined.

Within the action units responsibility for decisions should be clearly fixed with adequate machinery by which the decision-maker can consult but never be required to obtain the concurrence of staff advisory units or other action units.

The five Assistant Secretaries with action responsibilities should serve as the focal points of contact between the Department and the overseas and international organisation missions in both substantive and administrative matters.

The chief of each United States foreign mission should be the responsible American spokesman for the area or country to which he is assigned. He should observe and counsel all United States activities therein, and he should be responsible for administration of his mission.

Personnel

The personnel in the permanent State Department establishment in Washington and the personnel of the Foreign Service above certain levels should be amalgamated over a short period of years into a single foreign affairs service obligated to serve at home or overseas and constituting a safeguarded career group administered separately from the general Civil Service.⁹

Other Departments and Agencies

The other departments and agencies should consider the possible foreign impact of all proposed major policies and programmes, and consult with the State Department in regard thereto. The other departments and agencies which have important duties in foreign affairs should each establish an officer or office directly responsible to the department or agency head for co-ordinating its foreign affairs activities.

THE NATIONAL SECURITY ORGANISATION¹⁰

Budget and Expenditure

The Commission . . . recommends :

That full power over preparation of the budget and over expenditures as authorised by the Congress be vested in the Secretary of Defence, under the authority of the President.

That the Secretary of Defence direct and supervise a major overhaul of the entire budget system, that the budget be of a performance type with emphasis on the objectives and purposes to be accomplished rather than upon personnel, supplies, and similar classifications ; that uniform terminology, classifications,

budgetary, and accounting practices be established throughout all the services along administrative lines of responsibility go together.

That the armed services be required, at least in peacetime, to keep complete, accurate, and current inventories.

Civilian Control

Singleness of control is the essence of efficiency.

Therefore the Commission makes the following recommendations :

That the principle of unified civilian control and accountability be the guiding rule for all legislation concerned with the National Military Establishment and that full authority and accountability be centred in the Secretary of Defence, subject only to the President and the Congress.

That all statutory authority now vested in the service departments, or their subordinate units, be granted directly to the Secretary of Defence, subject to the authority of the President, with further authority to delegate them as he sees fit and wise.

That the Secretary of Defence shall have full authority, subject only to the President and the Congress, to establish policies and programmes.

That the Service Secretaries be deprived of their privilege of appeal over the head of the Secretary of Defence ; that they be directly and exclusively responsible to him ; that the Secretary of Defence be the sole agent reporting to the President ; that the Service Secretaries, to clarify their positions, be designated the Under Secretaries for Army, Navy, and Air Force.¹¹

That specific provisions be made that the three military services shall be administered by the several Under Secretaries subject to the full direction and authority of the Secretary of Defence.

That there shall be Joint Chiefs of Staff representing the three services, appointed by the President and subject to confirmation by the Senate and that the Secretary of Defence, with the President's approval, shall appoint a

chairman to preside over the Joint Chiefs of Staff and to represent, and report to, the Secretary of Defence.¹²

That all administrative authority be centred in the Secretary of Defence, subject only to the authority of the President, including full and final authority over preparation of the military budget and over the expenditure of funds appropriated by the Congress.

That the Secretary be provided with an Under Secretary of Defence, who shall be his full deputy and act for him in his absence, and three Assistant Secretaries ; and that the Secretary of Defence be empowered to set up such personal assistants to himself as he shall require to relieve him of day-to-day detail, to advise and assist him in planning and carrying out programmes, and to organise this staff as he sees fit.

That full authority for the procurement and management of supplies and material be vested in the Secretary of Defence. The Secretary can delegate this authority to the Munitions Board (or to other officers or agencies as he may determine) with directions to expedite by all possible means the elimination of costly duplication in procurement and waste in utilisation among the three services. Our further recommendations regarding the co-ordination of military with civilian supply management are contained in the Commission's report on the Offices of General Services.

The following recommendations are made regarding personnel :

That, in line with our recommendation below for an integrated system of military personnel administration, military education, training, recruitment, promotion, and transfers among the services be put under the central direction and control of the Secretary of Defence.

That the recruitment of civilian employees should be decentralised into the National Military Establishment under standards and procedures to be approved and enforced by the Civil Service Commission.

That full authority be vested in the Secretary of Defence, subject only to policies established by the Congress and the President, to prescribe uniform

personnel policies for civilian and military personnel throughout the several services.

Teamwork

Teamwork and co-ordination throughout the National Military Establishment should be improved. For these purposes, the Commission recommends:

That more adequate and effective relations be developed at the working level among the appropriate committees of the Joint Chiefs of Staff on the one hand and the National Security Council, Central Intelligence Agency, Research and Development Board, Munitions Board, and the National Security Resources Board on the other hand.

That the jurisdiction and activities of the National Security Resources Board be further defined and clarified by the President.

That vigorous steps be taken to improve the Central Intelligence Agency and its work.

Medical Services

[See the Commission's separate report on medical services, summarised below].

Civilian and Industrial Mobilisation

The Commission . . . makes the following recommendations:

That emergency plans for civilian and industrial mobilisation be completed promptly and continuously revised.

That use of civilian advisory boards should be continued.

That full responsibility and authority for formulating stock-pile policy and for its execution be clearly determined and centralised.

That further steps be taken immediately under the President's direction to prepare plans for civilian defence. Such an effort will require the participation of many agencies of Government. Similar action should be taken under the President's direction with respect to internal security. No clear allocation of responsibilities has been worked out among the agencies involved. The Commission believes that the problem in this area is one of determining what

needs to be done and designating administrative responsibilities.

That defences against unconventional methods of warfare be developed promptly and more vigorous and active attention be given to psychological warfare.

That the economic warfare section of the National Security Resources Board develop a comprehensive economic warfare programme aimed at supporting national security both in peace and war.

THE POST OFFICE

We recommend that the Postmaster-General should remain a Cabinet officer appointed by the President and confirmed by the Senate, but should not be an official of a political party, such as Chairman of a National Committee. He should be relieved from the details of day-to-day operating duties and should be free to determine departmental and public policies.

There should be a Director of Posts under the Postmaster-General who should be appointed by the President without term and confirmed by the Senate. He should be an experienced executive, preferably chosen from the service. He would be the operating head of the Post Office.

. . . the Postal Service should be decentralised into 15 regions under Regional Directors of Posts and District Superintendents. Regional Directors would direct all transportation in the region and the activities of the District Superintendents who would have supervision over all post offices in a prescribed area.

. . . there should be appointed by the President a national board of seven advisers serving part time and representing the different elements of the public. Their duties would be advisory as to methods and policies. They should be unpaid except for a fee for attendance.

The Post Office should be taken out of politics. . . the confirmation of Postmasters by the Senate should be abolished.

The experience of the Federal Government in many of its business enterprises has already pointed the way to the solution of these [budget, accounting, and audit] problems in the Post

Office. The Government Corporation Control Act of 1945, as amended, provides for a "business form" of budget, accounting and audit, and gives modern business flexibility to the management of those concerns. We do not recommend that the Post Office should be incorporated under that law. . . . We do recommend that the provisions of that law in respect to business management, budgeting, accounting, and audit be applied to the Post Office.

. . . the laws, regulations, and other stipulations governing the service should be revised not only to bring about these structural changes but also to simplify the whole operation.

. . . Congress should authorise and instruct the Postmaster-General to make rates charged for registered mail, insured mail, money orders, postal notes, postal cards, special delivery, and collection-delivery mail which would make each of these services self-supporting.

Payments to common carriers for transporting the domestic and foreign air mail are fixed by the Civil Aeronautics Board at a level to provide a subsidy to aviation. Contracts for overseas mail are also made on a subsidy basis. These subsidies may be most desirable. We recommend, however, that the amounts of these subsidies should be paid to the Post Office by open appropriation from tax funds and not imposed upon the Post Office or the mail users in this hidden manner.

DEPARTMENT OF LABOUR

In general, it can be said that the Department of Labour has lost much of its significance and should have restored to it the many agencies we have here recommended.

Agencies and Functions to be transferred to the Department

(a) Bureau of Employees' Compensation (from the Federal Security Agency);

(b) Employees' Compensation Appeals Board (from the Federal Security Agency);

(c) Bureau of Employment Security (from the Federal Security Agency. Placement service and unemployment

compensation). The functions of the Veterans' Employment Service in the Bureau of Employment Security should be merged with the employment service of the Bureau of Employment Security.

(d) Selective Service System, including the Appeal Boards (independent).¹³

(e) Enforcement of Labour Standards in government contracts (from contracting departments and agencies).

(f) Determination of Minimum Wages for Seamen (from U.S. Maritime Commission).

(g) "Prevailing Wage" Research to be conducted by the Bureau of Labour Statistics.

(h) Division of Industrial Hygiene—Certain components only (from the Bureau of State Services of the Public Health Service in the Federal Security Agency).

The Commission recommends that a detailed study be made of industrial hygiene functions to work out a logical division of functions between labour and health agencies.

The Division of Statistical Standards in the Office of the Budget, in its efforts to co-ordinate statistical activities, should focus responsibility in the Bureau of Labour Statistics for collection of data, research, and analysis relating to wholesale prices and living costs, employment and unemployment, working hours, wages and pay rolls, and productivity.

TREASURY DEPARTMENT

Transferring Nonfiscal Functions

. . . the Department should be thoroughly reorganised along functional lines contributing to its major purpose. This will require the transfer of the nonfiscal activities from the Department and the incorporation of other appropriate agencies within it.

. . . the following agencies and activities of the Treasury should be transferred to other offices or departments to which they are functionally more closely related:

(a) The functions of the Bureau of

Federal Supply to be absorbed in the Office of General Services.

(b) The United States Coast Guard,¹⁴ and probably certain of the marine functions of the Bureau of Customs, to the Department of Commerce.

(c) The Bureau of Narcotics to the Department of Justice.

These agencies have a much closer relationship to the major purposes of other departments.

New Functions

The major functions to be brought into the Department include those of the newly established Accountant-General.¹⁵

... We recommend ... that the supervision of the operations of the Reconstruction Finance Corporation, the Federal Deposit Insurance Corporation, and the Export-Import Bank [also] be vested in the Secretary of the Treasury.¹⁶

Grouping of Agencies by Major Purposes

We suggest that the Department should be divided, as listed below, into major purpose or functional groups.

Administrative Services

Consolidated Revenue Service :

Bureau of Internal Revenue
Bureau of Customs

Fiscal Service :

Management of Federal Finances
Custody and Disbursement of Funds
Management of Debt
United States Savings Bonds Division
Bureau of the Mint
Bureau of Engraving and Printing
Secret Service

Banking and International Finance :

Office of International Finance
Comptroller of the Currency
National Monetary and Credit Council (new)

Office of Liquidation

Accountant-General :

The functions of the present Bureau of Accounts probably would be divided between the Accountant-

General and the reorganised Fiscal Service.

Transferred Corporations :

Reconstruction Finance Corporation
Federal Deposit Insurance Corporation

Export-Import Bank

DEPARTMENT OF COMMERCE

Transportation Service

The Commission recommends ... that there be established in the Department of Commerce a grouping of all major nonregulatory transportation activities of the Federal Government.

... the business operations of the Maritime Commission [should] be placed within the Department of Commerce. Although no new corporation need be set up to handle these operations, the agency in charge should be given the flexibility of business-type management in budgeting, accounting, and auditing, which are established for Government corporations by the Government Corporation Control Act of 1945, as amended.

... that a study [should] be made of ... [certain] marine functions of the Bureau of Customs to determine whether some of them can advantageously be transferred to the Commerce Department.

... that there [should] be established in the Department of Commerce a Bureau of Civil Aviation which would administer the functions listed below, in addition to the present functions of the Civil Aeronautics Administration. The Bureau also would have the responsibility for promulgating air safety rules, with a right of review to the Civil Aeronautics Board from the promulgation, or refusal to promulgate specific rules. Enforcement of these rules should be in this Bureau as successor to the Civil Aeronautics Administration. Investigation of major aircraft accidents should remain with the Civil Aeronautics Board. The National Advisory Committee for Aeronautics should be incorporated into this Bureau.¹⁷

The Public Roads Administration should be transferred from the Federal Works Agency to the Department. The motor-carrier safety functions should be

transferred here from the Interstate Commerce Commission. Two [additional] functions of the Interstate Commerce Commission should be transferred to this Bureau: (a) that of formulating railroad-consolidation plans and (b) that dealing with car service and safety.

The Office of Defence Transportation should be transferred here from the Office for Emergency Management in the Executive Office of the President. Under present legislation, the Office of Defense Transportation goes out of existence on June 30, 1949. Its functions should be made permanent in this new location.

The Commission recommends that the Secretary of Commerce be assigned the duty of making over-all route programmes for air, land, and water transportation. He should also initiate action before the regulatory agencies when such action appears to him to be appropriate.

It should be the responsibility of the Secretary of Commerce, who should, of course, co-ordinate his work with the National Security Resources Board, to ensure the preparation of plans for the mobilisation of the Nation's transportation resources in the event of a national emergency.

Industrial and Commercial Service

The Commission recommends that all commercial fishery activities of the Department of the Interior be transferred to a Bureau of Commercial Fisheries in the Department of Commerce.¹⁸

The foreign affairs activities of Commerce are treated more completely in the Commission's Report on Foreign Affairs.

DEPARTMENT OF THE INTERIOR¹⁹

Basic Structure of the Department

... the Department of the Interior should be thoroughly re-organised along more functional and major purpose lines ... the agencies listed below should be transferred to other offices or Departments, to which they are functionally more closely related:

- a. The Bureau of Indian Affairs to a new department for social security, education, and Indian affairs.

- b. The Bureau of Land Management (except minerals) to the Department of Agriculture.²⁰

- c. The Commercial Fisheries from the Fish and Wildlife Service to the Department of Commerce.²⁰

... that the following agencies related to the major purposes of the Department [should] be transferred to it:

- a. Flood Control and Rivers and Harbours improvement from the Department of the Army.^{21, 22}
- b. Public Building Construction from the Federal Works Agency.²⁰
- c. Community Services from the Federal Works Agency.
- d. Certain major construction to be assigned on behalf of other agencies of the Government, except where carried on by grants-in-aid programmes.

Board of Impartial Analysis

There is no adequate check in the Government upon the validity or timing of development projects and their relation to the economy of the country. We therefore recommend the creation of a Board of Impartial Analysis for Engineering and Architectural Projects which shall review and report to the President and the Congress on the public and economic value of project proposals by the Department [of Interior]. The Board should also periodically review authorised projects and advise as to progress or discontinuance. The Board should comprise five members of outstanding abilities in this field and should be appointed by the President and included in the President's office.^{23, 24}

THE INDEPENDENT REGULATORY COMMISSIONS

Some of the recommendations of this Commission are applicable to all of the independent regulatory commissions; others are applicable only to one or more and are so set forth.²⁵

The independent nature of these commissions demands bipartisan representation. Therefore, this Commission recommends that this general rule be extended to all commissions.

... all administrative responsibility be vested in the chairman of the commission.

... the law [should] be changed to provide that the members of the following commissions, as is the case with the other commissions be removable only for cause:

- a. The Securities and Exchange Commission.
- b. The Federal Power Commission.
- c. The Federal Communications Commission.²⁶

... the statutes be amended to provide that a commissioner, upon the expiration of his term, continue to hold office until his successor has been appointed and qualified; subject, of course, to the general statutes on "holdover" appointments.²⁷

... the salaries of all of the commissioners and board members should be substantially raised. The Commission recommends increases in the salaries of staff members so as to attract persons of high professional competence to these positions.

... the statutes be amended so as to permit the commissions to delegate routine, preliminary, and less important work to members of the staffs under their supervision.

... the Administrative Management Division of the Office of the Budget should, with the aid of carefully selected legal consultants, suggest ways and means to improve and thereby reduce the cost of disposing of business before administrative agencies. Such studies would be concerned not only with the independent regulatory commissions but also with the administrative disposition of controversies before all Government agencies.

Executive Functions

... the power planning functions of the Federal Power Commission be transferred to the Department of the Interior.

... the functions of ship construction and the operation, charter, and sale of ships should be transferred to the Department of Commerce. The functions of the Maritime Commission relating to rates, conditions of service,

and the grant of subsidies should remain with that Commission.

... equipment inspection, and the functions of the Interstate Commerce Commission relating to safety and car service should be transferred to the Department of Commerce.

... the promulgation of rules relating to the safety of aircraft operation, both commercial and noncommercial, including contract operations, be transferred to the Department of Commerce with a right of appeal to the Civil Aeronautics Board from the enactment of, or the refusal to enact, any particular regulation. The investigation of the probable cause of major aircraft accidents should remain with the Civil Aeronautics Board. Other reports of the Commission call for the transfer to the Department of Commerce of certain executive functions relating to transportation.

FEDERAL MEDICAL ACTIVITIES²⁸

... the Commission recommends the establishment of a United Medical Administration into which would be consolidated most of the large-scale activities of the Federal Government in the fields of medical care, medical research, and public health (in which we include preventive medicine).²⁹

... the functions, facilities, and the personnel for medical care of the following activities should be transferred to the United Medical Administration.

a. The general hospitals of the armed forces in the continental United States (except a medical centre for each of the three services), and station hospitals (certain of which the Navy calls "dispensaries") in the continental United States except those at outlying posts so located that other hospitals of the United Medical Administration would not be near enough to provide the care required.³⁰

b. The hospital functions of the Veterans' Administration *in toto*, including the out-patient services in the field offices of the Veterans' Administration.

c. The four non-military hospitals in the Canal Zone.

d. The hospitals of the Public Health Service.

e. The functions, facilities, and personnel of the Public Health Service.

The recommendation of our task force that medical supply be centralised in a single agency, preferably in one of the armed forces or in the United Medical Administration, merits favourable consideration. This unification does not contemplate the creation of an additional Government agency in the usual sense. It proposes uniting the facilities and resources of existing agencies.

The control of medical policy in the armed services should be exercised by the Secretary of Defence. The United Medical Administration should give constant attention to necessary measures for national defence.

SOCIAL SECURITY AND EDUCATION

*Welfare Activities*³¹

We . . . recommend that a new Department to administer the functions set forth in this report be created and headed by a Cabinet Officer.

The present administrative structure of the Federal Security Agency, with few changes as to titles and assignments, would naturally be continued and transformed into the new Department.

The following will indicate the opinion of the Commission concerning the arrangement of the Department.

Office of Counsel.

Office of Federal-State Relations.

Staff Services. . . .

Social Security Services

Bureau of Old-Age and Survivors' Insurance

Bureau of Public Assistance

Children's Bureau

Educational Services

Bureau of Education

Bureau of Vocational Rehabilitation
American Printing House for the Blind

Columbia Institution for the Deaf

Howard University, Washington, D.C.
Indian Affairs

ADMINISTRATION OF OVERSEAS AFFAIRS³²

The attention of our task force was directed only to the problems of the territories and possessions and a field survey was not attempted. Among the principal recommendations made by the task force was a recommendation for the creation of an Office of Territories which should be strengthened, and assigned control over Guam, Samoa, and the Trust Territories of the Pacific by transfer of responsibility from the Navy Department. The functions now vested in the Division of Territories and Island Possessions in the Department of the Interior also would have been included.

We are suggesting at least two other alternatives which should be given serious consideration.

The first alternative, which also represents only a partial solution, would be to remove the responsibility for the administration of occupied areas and the Panama Canal from the Department of the Army, and Island Possessions and Trust Territories from the Department of the Navy, and assign these functions to a Special Secretary who would report directly to the Secretary of Defence.

Perhaps the alternative presenting the greatest possibilities for integrating overseas administrative activities would be to create a separate Administration of Overseas Affairs, to which would be transferred all administrative responsibilities abroad, excluding, of course, the diplomatic and consular services of the State Department.

Although the Commission believes that the alternatives suggested are reasonable and in varying degrees provide answers to many of our troublesome problems in overseas administration we are making no definite recommendation for re-organisation since we feel that this complicated problem requires further detailed study before any definite conclusions can be reached as to the most effective organisational arrangement.

The Commission, therefore, recommends that the Congress direct a comprehensive study to be made of the entire problem of overseas operation and administration.³³

The Security Council would seem to be a logical agency for such a study

since it is concerned with both defence and foreign affairs and is now considering some of the organisational problems related to occupied areas.

FEDERAL-STATE RELATIONS³⁴

The question of Federal-State relations, and the problems incident thereto, is a most important part of our governmental structure and our governmental operation. It should be studied and appraised in its over-all aspects carefully and continuously if public services are to be adequately rendered, if public administration is to be efficient and economical, and if we are to maintain a strong, vital, Federal system of government.

We recommend that the functions and activities of government be appraised to determine which can be most advantageously operated by the various levels of government, and which require joint policy making, financing, and administration.

We recommend that our tax systems—National, State, and local—be generally revised and that, in this revision, every possible effort be made to leave to the localities and the States adequate resources from which to raise revenue to meet the duties and responsibilities of local and State governments.

... all grants-in-aid which are given to State governments directly be budgeted and administered on the Federal and State levels as are other Federal and State funds.

... the grant-in-aid plan and programme be clarified and systematised.

... in order to accomplish all of these things in an adequate and orderly manner, that a continuing agency on Federal-State relations be created with primary responsibility for study, information, and guidance in the field of Federal-State relations.

FEDERAL BUSINESS ENTERPRISES³⁵

There are about 100 important business enterprises which the Federal Government owns or in which it is financially interested. These concerns engage directly or indirectly in lending money; guaranteeing loans and deposits; writing life insurance; the producing,

distributing, and selling of electric power and fertilisers; the operation of railways and ships; the purchasing and selling of farm products; and the smelting and sale of metals.

General Observations and Recommendations³⁶

There are two major organisational forms of Government business enterprises: those which are incorporated under special charter or in accordance with the Government Corporation Control Act of 1945; and unincorporated enterprises which are administered under the older departmental forms.

To correct the defects in corporation charters, we recommend that the Congress should, by new enactment, or by amendment to the Government Corporation Control Act of 1945, provide:

a. That borrowing powers, Government liability for their obligations, and budgetary presentation be made uniform for like classes of loans and like securities.

b. That the Government stock in these corporations be held by the President or by the head of such agency as he may direct.

c. That the Congress determine what disposition should be made of surpluses already earned by partly owned Government corporations. Policies as to distribution of future surplus earnings of both partly owned and fully owned corporations, should also be determined.

d. That major expenditures for capital additions be made only with prior congressional approval and appropriation.

e. In order to establish a consistent practice among corporations, that all corporations, in determining the cost of construction undertaken by them, include a charge for interest on capital expended during the period of construction.

f. That where boards or part-time boards are established they be wholly advisory and be appointed by the President. Public-spirited citizens presently serve on such boards even though fees are paid only for attending meetings.

g. That where these corporations are located in the departments or major Government agencies, the heads of such

agencies, or representatives designated by them, serve as *ex officio* chairmen of their advisory boards.

Where capital funds are subscribed, or advanced by the Government or its agencies, and then invested on these securities amounts to a subsidy by the Government. It is an indirect subsidy for the Government to provide them with capital and then to pay them interest on their otherwise idle funds. We recommend that all Government business enterprises be required to surrender to the Treasury all United States securities held, up to the amount of the capital furnished them by the Government, and that they receive in return non-interest-bearing credit in the Treasury. They should not be allowed to invest their idle funds in any other securities except as authorised by the Congress. This recommendation does not include trust accounts.

Certain of the unincorporated business enterprises are comparatively simple, straight-line businesses. Instances are Veterans' Life Insurance (see report on Veterans' Affairs), Washington National Airport, and Alaska Railroad. We recommend that straight-line business activities be incorporated so as to secure greater flexibility in management and simpler accounting, budgeting, and auditing methods.

Some Government business enterprises, which also have other activities not wholly of the business type, should, in their business activities, have the form of operations established under the Government Corporation Control Act, but without actual incorporation. The Post Office, the Reclamation Service, and the business activities of the Maritime Commission are examples. We recommend to the Congress that such agencies be given the same flexibility of business practice, a business form of budget, accounting, and audit systems, which are now usually reserved for Government corporations; and that such agencies be required to set up their accounts so as to distinguish between capital expenditures and those to be charged to operations.

Some of these business enterprises are self-supporting with regard to their administrative expenses. Some are not

and appropriations from the Congress are required for administration. We recommend that Congress require these agencies either to conduct their business so as to recover their administrative expenses, or, alternatively, to set out such subsidies as a part of their annual request to the Congress for appropriations.

We recommend that both incorporated and unincorporated business enterprises report specifically to Congress each year the extent to which earned income fails to cover: (a) interest on capital furnished by the Government, (b) losses on loans or investments, and (c) operating expenses. Otherwise, through the exhaustion of capital, there is a hidden subsidy, and the real financial results of governmental operations are obscured. These subsidies may not be disclosed until liquidation. Losses and subsidies should be made clear each fiscal year and passed upon by the Congress.

There are several business enterprises of the Government which directly receive and expend Government revenues arising outside their normal activities. Instances are the Bureau of Reclamation, which receives part of the revenues derived from public land sales and oil royalties, and the Commodity Credit Corporation, which receives customs duties on certain agricultural imports. We recommend that, as a general principle, receipts arising outside of normal activities be paid into the Treasury, and that the sums necessary for the conduct of these agencies be appropriated by the Congress. This may require provision for some revolving funds.

Lending, Guaranteeing, and Insurance Enterprises

Direct lending by the Government to persons or enterprises opens up dangerous possibilities of waste and favoritism to individuals or enterprises. We recommend (a) that the Congress review the power to make direct loans . . . , taking into account the problems of economy, efficiency, and integrity; (b) that in non-emergency periods, the Congress place restrictions on direct loans in order to ensure that the normal channels of credit are

utilised to the maximum extent possible or, alternatively, provide for the guarantee of loans made by private or other established agencies.³⁷

We recommend that the Federal Intermediate Credit Banks, the Banks for Co-operatives, and the Production Credit Corporations should be consolidated into a single system, with due regard for preserving the integrity of, and the availability of credit for, the agricultural activities involved. The merged system should adopt the principle of mutualisation. That is, borrowers should be required to purchase an amount of stock from the Government concurrently with the granting of any loan, such purchase to be a small percentage of each loan until the Government stock is retired. Once they are mutualised the Government's interest becomes that of regulation and inspection only.³⁸

Up to 1944, the annual losses of the [Commodity Credit] Corporation were paid by congressional appropriations to the Treasury, and totalled about \$400 million, including some wartime sub-

sidies. To liquidate this loss, the Treasury surrendered to the Corporation a like amount of notes of the Corporation. The practice of liquidating losses by the surrender of its obligations by the Treasury is undesirable as it obscures actual expenditures.

... when the Commodity Credit Corporation makes these readjustments of capital on account of losses, the readjustments should be financed by congressional appropriation and not by cancellation of notes.³⁹

Congress [should] consider the creation of a system of National Mortgage Discount Banks to provide real estate mortgage discount facilities for all private lending agencies over the entire real property field.

Electric Power and Irrigation Enterprises

Individual members of this Commission have different points of view as to organisational and administrative recommendations on the Government's electric power and irrigation enterprises.

⁸ In the United States Under and Assistant Secretaries are normally political appointees and not career civil servants.

⁹ Forrester has a reservation on this recommendation.

¹⁰ Forrester took no part in the preparation or consideration of this report.

¹¹ Dissent: Hoover, Flemming, Manasco, and Mead dissent from the recommendation to change the designation of the Service Secretaries to Under Secretaries.

¹² Acheson, Mead, Pollock, and Rowe recommend the creation of a single Chief of Staff over the Joint Chiefs of Staff.

¹³ Dissents: Acheson, Forrester and Manasco recommend Selective Service System remain independent.

¹⁴ Forrester disagrees with recommended transfer of the Coast Guard to the Department of Commerce.

¹⁵ Dissents: The views of Acheson, McClellan, Manasco, Pollock, and Rowe with respect to the Accountant-General and the accounting function appear in the report on Budgeting and Accounting.

¹⁶ Acheson believes additional investigation is necessary on the recommendation concerning transfer of Reconstruction Finance Corporation and Export-Import Bank, and Forrester and Brown recommend that the Federal Deposit Insurance Corporation remain independent. Aiken, Pollock, and Rowe would place Reconstruction Finance Corporation and the Export-Import Bank in the Department of Commerce, and question placing the Federal Deposit Insurance Corporation in the Treasury.

¹⁷ Pollock dissents.

¹⁸ Acheson, Pollock, and Rowe dissent. Forrester submitted a separate dissent.

¹⁹ Acheson, Pollock, and Rowe, dissenting, jointly submitted a twenty-eight page report recommending a Department of Natural Resources. This Department would include, among other functions, those of the Bureau of Reclamation and Land Management from the Department of Interior; the Forest Service, and the research function of the Department of Agriculture relating to forest insects and disease; and the river development function of the Corps of Engineers. The Tennessee Valley Authority would remain independent, but power marketing

functions of Bonneville and Southwestern Power Administration and the Division of Power from the Interior Department would be included.

²⁰ Forrestal sees the role of the Interior Department as that of development and conservation of natural resources, and therefore does not agree to the transfer out of conservation functions, or transfer in of non-conservation functions. He believes the treatment of petroleum as a natural resource inadequate.

²¹ Forrestal abstained from participation in the discussion and formulation of recommendations relating to the Corps of Engineers.

²² McClellan and Manasco submitted a joint dissent concerning transfer of the Corps of Engineers out of the Department of the Army.

²³ The Chairman would have separate Boards of Impartial Analysis for engineering and architectural projects, located in the Interior Department. Forrestal does not believe the Commission's report justifies superseding the present review unit in the Bureau of the Budget.

²⁴ Note: The decision to place the Board of Impartial Analysis in the President's office was made after the Commission's initial report was submitted to the Congress, and this unit therefore should be considered as supplementary to those already included in our report on General Management of the Executive Branch.

²⁵ The nine commissions are: Interstate Commerce Commission, Federal Power Commission, Federal Trade Commission, U. S. Maritime Commission, Securities and Exchange Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Reserve Board, and National Labour Relations Board.

The Chairman believes that the following independent commissions should be included in this same category: United States Tariff Commission and The Tax Court of the United States.

²⁶ Acheson and Rowe submit a joint dissent, and Forrestal a separate dissent, on this point.

²⁷ Acheson and Forrestal submit dissents on this point.

²⁸ Forrestal abstained from consideration and preparation of this report.

²⁹ Acheson, Aiken and Rowe dissent from establishing a new agency. Essentially they recommend "the existing hospital activities of the Government should be consolidated. They should be placed in a new Department of Welfare and integrated with the health, education, and security functions of the Government which would also be placed in that Department. But if the Congress does not accept this view . . . We recommend in the alternative that, at all events, the Public Health Service be placed in the Department of Welfare even though the Government's hospital activities are consolidated in a separate agency."

³⁰ Commissioner Brown does not agree to the transfer of armed forces hospitals to the new Administration, and suggests instead that their available beds and services be made available to other government beneficiaries. Mr. McClellan concurs in this dissent.

³¹ Vice-Chairman Acheson, Commissioners Aiken and Rowe dissent from the separation of health functions from other welfare activities and recommend the formation of a Department of Welfare, including health activities. They recommend that the Assistant Secretaries should be "generalists" not "specialists"; that the Bureau of Employees' Compensation be retained in this Department; and that statutory authorisation for creating advisory bodies, if needed, be given to the head of the department.

³² Acheson and Forrestal abstained from participation in the views expressed in this report.

³³ Hoover, Pollock and Mead would go further and recommend an Administration of Overseas Affairs.

³⁴ Acheson and Forrestal dissent, stating that the report seems to exceed the jurisdiction of the Commission.

³⁵ Dissents: Acheson, Pollock and Rowe dissented and issue a separate statement on Business Enterprises. They disagree with the approach taken, and feel the recommendations are beyond the province of the Commission. Aiken disagreed with the task force reports on Business Enterprises, feeling that the broad public interest point of view is not adequately represented.

Forrestal endorsed the purely organisational recommendations of the report, but stated separate views on policy.

McClellan stated a general reservation on the recommendations contained in the Commission's reports.

³⁶ Under the heading "Miscellaneous Business Enterprises" the Commission recommended the incorporation of the Alaska Railroad and the Washington National Airport under the Government Corporation Control Act of 1945. It also recommends the liquidation of the Inland Waterways Corporation and the Puerto Rico Reconstruction Administration.

³⁷ Acheson, Pollock and Rowe dissented.

³⁸ Acheson, Pollock and Rowe dissented on mutualisation proposals.

³⁹ At this point the Commission recommended that the Secretary of Agriculture be given authority by Congress to develop an agricultural credit plan to supersede the Farmers Home Administration, which would be liquidated. This plan would include "a modest government corporation . . . under the Agricultural Credit Administrator." Acheson, Pollock and Rowe dissented against the proposals for the Farmers Home Administration. Manasco submitted a separate dissent.

Notes

The Committee on Administrative Practices

At the Congress of the International Institute of Administrative Sciences held in Berne in 1947, many delegates expressed an interest in having the Institute take steps to further the exchange of information on the latest and most effective administrative practices. In response, the Bureau of the Institute decided to create the Committee on Administrative Practices.

COMMITTEE MEMBERSHIP

In selecting members for the Committee, an attempt has been made to find the official in each country and international organisation who is most directly concerned with administrative management and improvement; officials who not only have prominence and stature in their governments, but who also have enough interest and energy to take advantage of the contributions which the operations of the Committee can make. Unless officials are in a central position and able to channel information from their colleagues within their governments to the members of the Committee, and vice versa, it would not be possible to make effective use of information gained from the experience of others in solving common problems.

At present the Committee consists of 27 officials representing 19 countries and six international organisations. In addition, there are four *ex officio* members. The chairman is Mr. Donald C. Stone, Director of Administration, Economic Co-operation Administration, Washington, D.C.

The Committee is steadily adding new members, and it is hoped before too long to have representatives from all countries and international organisations which are in a position to participate in the work of the Committee.

EXCHANGE OF INFORMATION

The primary concern of the Committee is the distribution of documents describing successful and current administrative improvement. The Com-

mittee does not engage in a mass distribution of generalised or "academic" materials on public administration *per se*. Instead, it is emphasising the distribution of information which will aid busy officials in coping with urgent problems which they encounter in their everyday work.

Members of the Committee are interested in learning what the experiences of others have been in meeting common problems of administration. They want to know primarily *how* they went about finding the solution. How did they identify the problem and analyse it? What techniques did they use? A memorandum or report describing some progressive step one country is taking in handling its administrative affairs may stimulate officials in other countries to work out some comparable solution suitable to their particular situation.

During this first year of its work, members of the Committee have exchanged with each other information on such subjects as work measurement programmes; training conferences on organisation and methods work; the use of office machines and appliances in government offices; the preparation of a reference manual on the organisation, activities, and officials of a national government; training and development of employees as a responsibility of supervisors; a management survey done for the U.N.; and a study recently made by the Hoover Commission on re-organisation of the U.S. Federal Government.

Each member of the Committee is responsible for being on the lookout for improvements in organisation and methods, or for practices which have worked with especial success and which might be of interest to other countries or international agencies. Memoranda describing these proposals or tested practices are circulated to the other members of the Committee with a short covering note giving some background

material about the document. When the material would be of wide interest, several copies may be distributed to each member. If the document is a lengthy one, the member proposing the distribution usually prepares a short summary instead of sending the entire document. He also arranges for its translation into French and English—which are the working languages of the Committee—and sends the appropriate version.

The member receiving the document then is responsible for distributing it to the officials in his own government who would be most directly concerned with the problem discussed and who would be in the best position to utilise the information obtained.

By handling the distribution of information in the manner described, the establishment of an impersonal central "clearing house" is avoided. By following the plan of having each individual member send the material directly to other members, the members come to know each other. This facilitates correspondence with each other in order to obtain more detailed information on subjects which are discussed in the material being circulated.

Through this method of operation it is also hoped that individual members will, on their own initiative, consult with members in other countries regarding their experience in handling a particular problem which they have under consideration. Thus, whenever a Committee member is faced with an immediate problem in his own country, he should know to whom to write in other countries for information or suggestions.

TRAINING AND EXCHANGE OF OFFICIALS

As part of its exchange of information programme, the Committee on Adminis-

trative Practices is interested in any efforts being made to train and exchange administrative officials. As public officials visit each other's countries they have a chance to become acquainted with their "opposite numbers" and to exchange experiences. They have an opportunity to compare foreign experiences, to study a variety of working methods, to observe types of organisation, and to learn modern techniques. Their views are widened and their knowledge and methods are renewed and refreshed. The benefits are just as great for the officials who are visited as for the officials who do the visiting. The exchange is very definitely a two-way process.

The Committee is encouraging and publicising exchange programmes and fellowship systems which are already in existence in individual countries and in international organisations; e.g., the U.S. exchange programme with Latin American countries, exchanges among European Recovery Programme countries; the exchange fellowships for officials in public administration started at the suggestion of the Canadian Committee for Reconstruction, the fellowships awarded in connection with UNESCO, the World Health Organisation, and the U.N. Department of Social Welfare, etc. The Committee has supported implementation of the "Camu Report" prepared for UNESCO on behalf of the International Institute of Administrative Sciences, the International Union of Cities, and the International Federation of Housing and Town Planning. This report recommended an exchange programme for national administrative officials, particularly for the officials in war-devastated nations. Committee members have also called to the attention of delegations to UNESCO the practical benefits that can be derived from exchange fellowships in the field of public administration.

Reviews

Essays on Local Government

Edited by C. H. WILSON. (Basil Blackwell.) Pp. 248. 18s. net.

THESE essays, with one exception, deal with problems of local government areas and finance. They are devoted to the recent history of these matters and were prepared as background material for some discussions and conferences on the future of local government which took place at Nuffield College not long ago. The exception is the essay on "The Foundations of Local Government" by the editor.

The other writers were research assistants at Nuffield College. Their contributions contain honest, reliable and scholarly work, and the book makes a useful addition to the inadequate literature of local government history during the 20th century.

Dr. Lipman gives a fairly full account of the changes in areas and authorities which took place between 1888 and 1939. Much of his material is taken from the Royal Commission on Local Government, which has already been worked over rather thoroughly. Apart from this he gives some interesting information about the county district reviews under the Acts of 1929 and 1933. Dr. Lipman rightly observes that although these reviews succeeded in eliminating a considerable number of small units, they left the fundamental problem of areas untouched.

Miss Maureen Schulz contributes three essays on "The Local Government Act of 1929 and subsequent Legislation"; "The Development of the Grant System"; and "The Control of Local Authority Borrowing by the Central Government." She argues that although Mr. Chamberlain, in introducing the Act of 1929, presented it as a radical solution to the problems confronting local government, it was really little more than the culminating point in the abolition of *ad hoc* bodies and the transfer of their functions to all-purpose authorities. We can now see that the Chamberlain reforms belong to the 19th century rather than the 20th, in that they

pushed to its logical conclusion the structure laid down in 1888 and 1894. Nevertheless, the selection of county borough and county councils as the local authorities for public assistance and other purposes in 1929 laid down the pattern which has been followed in a long series of subsequent measures.

In discussing the centralisation of services previously administered by local authorities, Miss Schulz observes that some services require larger areas of administration and charge, though not necessarily an absence of local control, "and if these are nationalised the reasons are not necessarily logically inherent in the technique or needs of the service but arise from the inflexibility of the existing local government and the strong objection of the existing authorities to the creation of a regional body above them. In these circumstances, the only alternatives may be the universal creation of compulsory joint authorities, a policy which has grave disadvantages, or the nationalisation of the service in question and its administration by a local organ of the central government" (p. 95). This assumes that the government and Parliament will not compel reform if the local authorities object to it, an assumption which has landed local government in its present dangerous predicament. It is odd that Miss Schulz has not observed, in the course of her historical studies, the frequency with which great schemes of reform were forced on local authorities, often in the face of acute opposition. This was an "alternative" to centralisation and the formation of joint authorities.

The essay on the development of the grant system is a careful and meritorious narrative of this vital aspect of the relationship between central and local government. There are few subjects calling more urgently for a critical analysis than the effect of the several grants on local government. We need, also, a thorough discussion of the ideas

underlying the percentage, block, unit and equalisation grants. It is not enough to say, as Miss Schulz does, that the conclusion of the Royal Commission on Local Taxation that "predominantly national services" administered by local authorities "ought in principle to be paid for out of the general wealth of the country" (p. 152); and that this principle leads logically to grants based on equalising formulae. If our present egalitarian philosophy is leading to a mathematical equality of resources between local areas; and if the equalising process is to be carried out by means of Central Departments armed with all kinds of peremptory and punitive powers to prevent any deviation from the mean on the part of individual local authorities, how much virtue or significance will be left in our system of local government? Miss Schulz does not answer these questions; but her essay makes it easier for others to ask them. Miss Howard's paper on Joint Authorities is also a useful study of an important phase of the area problem.

Mr. Wilson's essay on "The Foundations of Local Government" attempts to state the ends and purposes to be served by local authorities, and the principles which govern their working. He seeks, in short, to provide a philosophical justification for local self-government.

Mr. Wilson discerns two sets of purposes in our system of local government, one political and the other administrative. The former consists of the democratic objective inherent in all representative institutions. The latter comprise the canons of working efficiency demanded by democratic political ends (p. 12). The democratic aim

requires that all citizens should be able to participate in political decisions. These decisions must be arrived at by the process of discussion and voting; and this process should afford a continuous political education to the community in which it occurs. Participation and education, no less than discussion and consent, demand the existence of representative institutions in the localities as well as in the central government. Our local authorities can thus be defended and justified on the ground that "they do provide, on the largest scale, an opportunity for the citizens to share in public decision and administration, they do provide the machinery of discussion and vote to elicit his [*sic*] consent, they do provide, in the only possible way, for the political education of the people" (p. 21).

The author rightly stresses the importance of intelligibility in a system of government and warns us against permitting arbitrary, unprincipled, or planless developments in governmental structure to confuse and bewilder the citizens. He sees the greatest danger of this kind at the present time arising in the sphere of intermediate government where the transfer of services from local authorities to public corporations is producing an element of unintelligibility in terms of democratic principle.

Mr. Wilson's essay is too slight for the magnitude of its theme. It promises more than it yields; it has but served to whet the appetite. It is greatly to be hoped that its author will attempt a full length statement of the political theory of local government. It is sorely needed at the present critical juncture.

W. A. ROBSON.

✓ The Public Service and University Education

Edited by JOSEPH E. MCLEAN. (Princeton University Press.) (London: Geoffrey Cumberlege.) Pp. 252. 21s.

THIS book is a collection of essays by various contributors (all of whom we are told are or have been outstanding public servants) on "How to find, train and retain talented individuals" for the American public service. The book

grew out of a conference held at Princeton on University Education and the Public Service. The writers are concerned primarily with Federal Government, not State or Local Government. Two of the writers are British and

describe the British Home Civil Service and the Foreign Service respectively.

For those interested in American institutions the book contains much of interest. Two main themes run through the whole and seem to command general agreement. First there is the need to attract good men from the Universities to enter and to stay in the American Civil Service, and to form something more or less like the British administrative class. Various reasons are given why this has not so far been found possible. Some of the more important are :—

Low pay in the higher posts.

Inadequate prospects, especially owing to the spoils system at the top.

The lack of a tradition of public service. "Young man, won't you learn a lesson in the primer of politics that it is a *prima facie* evidence of littleness to hold office under our form of government?" This quotation dates from the end of the 19th century, but the tradition lingers that public service is a soft option compared with the world of business.

The risk of being dragged into politics. "I believe that a great many good men are deterred from going into responsible positions in the Federal service because of fear that, through no fault of their own, they may some day be pilloried by politicians on investigating committees or elsewhere." Linked with this is the opinion of another writer: "I am very doubtful whether our people would accept a permanent administrative group secure from reprisals at the polls."

It is perhaps significant that of the 13 American writers only five appear to be still in the public service.

Second, there is general agreement on the need for better co-ordination between Departments. The lack of it is due partly to the absence of a system of collective responsibility at the top: the President himself rather than the American Cabinet is the nearest counterpart to our Cabinet, Departmental heads having no responsibilities outside their own Departments. It is due partly—

as re-emphasised recently by the Hoover Commission—to the absence of adequate co-ordinating machinery such as that provided by our Cabinet Office and Treasury. But it is also due to the lack of continuity in the higher posts and to the absence of an administrative class. The two main themes of the book are therefore inter-connected. The solution of the problem of creating an administrative class would go a long way towards solving the problem of co-ordination.

But the list of difficulties summarised above is formidable. Until these difficulties are solved, discussion of the best form of University education for future administrators, which occupies a considerable part of the book, seems of secondary importance. The first thing is to make the Service attractive to good men and this requires action in fields remote from the University. The reader cannot help reflecting on what a lot has been written in America, both by academic writers and by Commissions of Enquiry, on this subject; how much agreement there is about the right solution; and how little has been done.

Turning from the American to the British scene, the reader who hopes for light on our own Civil Service problems will be disappointed. The American problems are in some respects the reverse of ours. It might, for instance, be argued that, in comparison with industry, the British Civil Service gets too much, not too little, of the cream of the Universities; and that, as Sir James Grigg says, "The danger in our country is not that there should be too little co-ordination but that there should be too much." There are, however, some passages which provide material for reflection: for instance, the chapter by Arthur S. Flemming, a former U.S. Civil Service Commissioner, which describes a system of partly de-centralised recruitment by the U.S. Civil Service Commission; the analysis by H. Struve Hensel of the advantages of a closed career service (though he seems to under-estimate the difficulty in normal times of combining a career service with the bringing in of outsiders); and the description by Selden Chapin of the plan for a Foreign Service Institute designed

to organise training at successive stages in an officer's career. On the ever-recurring controversy about ancient versus modern subjects at the University as a preparation for the administrator, Professor E. L. Woodward writes with admirable common sense on the situation in this country (pp. 175-179).

The subject of the book invites platitudes and the composite authorship invites overlapping. There are plenty of both. One old bogey still haunts the book: the idea that the British administrative class is a closed caste. In fact, half the present administrative class have been promoted from other classes of the Service. Less excusable is the

inadequate and inaccurate account given by Sir James Grigg of the Civil Service Selection Board system. This account naturally leads one of the American writers to say, "The country-house week-end method of passing [judgment] upon eligibility to the Civil Service Club seems to me not at all applicable here."

Interesting as it is, the book would have been still more interesting if the writers had told us more about the political and other causes which make the task of the reformer so difficult even where there seems to be such wide agreement about the reforms that are needed.

A. P. SINKER.

How London is Governed

By THE RT. HON. HERBERT MORRISON. (Peoples Universities Press.) 1949.
Pp. 190. 8s. 6d.

Town Hall and Shire Hall

By N. R. TILLET, M.A., LL.B. (Harrap.) 1949. Pp. 150. 8s. 6d.

MR. MORRISON has produced a new edition of his book originally published in 1935. Then he was just beginning his great period as leader of the L.C.C. Now he writes as a senior Cabinet Minister. The book has been brought up to date factually but he has made surprisingly little change in the comment. Indeed it is interesting to find how many of the statements one thinks must be glosses by the Minister are actually to be found in the first edition.

The author does not confine himself to the administrative county but has a chapter on the outer London authorities. He has also a chapter on "London Justice" but he does not explain what many people find puzzling—what decides whether you appear at the Old Bailey or at Newington Sessions? He mentions, without explaining why, that there are no stipendiary magistrates for most of Hampstead. He has nothing at all about London's peculiar method of appointing juvenile court magistrates.

The ex-mayor of Hackney makes, as it were, a courteous inclination of the head towards Metropolitan Borough Councils, but clearly his real interest is

in the London County Council. His account of the working of County Hall machinery, of the committee and party systems there, was a classic 14 years ago, and for it, apart from anything else, *How London is Governed* stands out among books on local government. He has no doubt at all that the party system has made a valuable contribution to London government.

People accustomed to smaller authorities will find what is said about the office of Leader of the Council most interesting and perhaps alarming. He has responsibilities which Mr. Morrison found to be "as heavy as those of a Cabinet Minister." He is the authority on important matters of party policy and party tactics and is consulted on "all matters of importance or where difficulties arise." "Naturally, he is often consulted by chief officers of the Council." It is a common opinion outside the L.C.C., and perhaps within, that the Leader is too autocratic and undertakes responsibilities that only the exceptional man, such as Mr. Morrison has the capability or the time to discharge successfully. Perhaps it is some

awareness of this that has led him to insert in this edition the remark, "But Chairmen of Committees are not, and should not, be regarded as the irresponsible instrument of the Leader of the Council; if wise, he will give them their head on most matters." But if we are to have an elected member with this heavy burden, would it be wise to revive the old custom of a salaried Deputy Chairman? It would be interesting to know the author's views.

Mr. Morrison denies that a big authority is necessarily "run by its officers." But he does not really meet the gravamen of this criticism. The point is not whether major policy decisions are or are not submitted to the Council. In that sense formal responsibility is with the elected members. But the question is whether, in a body covering so large an area and with little idea of decentralisation, so much is done in the ordinary way of administration that it is what the officials decide that really counts with the public.

There is a new chapter on "Central or Local Administration? Recent Tendencies" which sounds exciting but, in fact, is less helpful than one would have hoped from the Lord President. Mr. Morrison explains that he never sees a transfer of functions from local authorities to the State without a feeling of sorrow;

"Holding his pocket-handkerchief
Before his streaming eyes."

Mr. Tillett also writes from the standpoint of the elected member. His book is intended for sixth form students beginning a study of civics. It is happily illustrated and should meet a real need. But I, and, I suspect, the sixth form, would have found it more exciting if he could have brought himself to be indiscreet and had told us what really happens on the Norwich City Council. It is the things that text book writers do not tell us that make local government the fascinating human story that it is. I think generally he is a little too complacent. Even the most guileless adolescent will find it hard to believe that "Wasteful spending is thus not possible"; and "Every housing committee does its best to be fair to all its clients."

Some of his remarks, while quite comprehensible to the initiate, may mislead students with very dim ideas about the subject. The Poor Law Act of 1834 established unions of parishes not unions of workhouses. The Clerk is just not the managing director of the Council. To say that the party leader is a kind of Prime Minister and the Chairmen of Committees his Cabinet does leave obscure the very special collective authority of committees. The Treasurer does not fix the rate.

But lest I seem captious, let me repeat that he has done a very difficult job most creditably.

JAMES E. MACCOLL.

National Coal Board—Report and Accounts for 1948

H.C. Paper 187 of 1949. 6s. 6d.

THE National Coal Board's report for 1948 covers 300 pages about half of which are concerned with the accounts and financial affairs of the Board. Such a large and informative report shows clearly that the Board is taking very seriously its responsibility to keep the public informed of the many aspects of its business. Whatever your approach to the industry—technical, financial, labour relations or administrative—you will be certain to find something of interest in this report.

This year the Board has made a special effort to explain its organisation and to deal indirectly with certain current criticisms. The recommendations of the Burrows Committee with the Board's comments upon them are also reproduced. The Board has attempted to explain the working of its organisation in terms of the manner in which the industry was managed prior to nationalisation. Starting with the colliery manager the report claims "Looking at the coal industry as a whole, the discre-

tion exercised by Colliery managers and the responsibility they carry for safety and for day to day operations remain large. They are not much more and certainly not less than they were before the advent of the National Coal Board" (Para. 403). And again "The Colliery Consultative Committees have not diminished the responsibility of the Colliery Manager. . . ." The next layer is the Area each with its own Area Manager. These are compared to the former companies though it is admitted that the average size of management at this level is now much greater than it was prior to 1946. The Divisional Boards are less easy to explain in pre-1946 terms for though they are compared to the former Boards of Directors in effect, as the report says, each Divisional Board has several Managing Directors (*i.e.* Area General Managers) responsible to it. As for the N.C.B. itself there is even an attempt to explain it as part of a development which existed prior to nationalisation. And so "Plus ça change, plus c'est la même chose".

Part of the Board's trouble in this chapter is due to it having to fight on two fronts. Those critics who stress the local freedom and initiative which existed before the war are told that the Board has done little or nothing to reduce this freedom. Whilst those who think in terms of nationally planned production and distribution are told that the Board exists for this very purpose and that the line of command runs from the Board to the Colliery Manager. Here is the Board's dilemma. Had the Government thought in terms of really effective decentralisation presumably they would have established separate statutory units either at the Divisional or the Area level. Instead they preferred to place the full responsibility for everything done in every pit in the country on to a National Board whose headquarters had inevitably to be in London. The Board must exist for a purpose, each colliery must have a manager—and between these two extremes attempts are being made to have layers of responsibility.

The Board's explanation is still not clear from ambiguity. We are told "the job of the Colliery Manager is to see that

coal is produced as plentifully and cheaply as possible." But is this not also the job of the Board and indeed of the whole organisation? The question is how free is the manager to decide the quantity he should produce and by what methods, etc. Can he sell it where he likes, buy his own stores, take on and dismiss men, etc. Here the reader is not particularly helped by references to "staff and line". This term may explain the relations between the service aspects and the production aspects at different levels but it can throw little light on the degree of decentralisation and the amount of discretion allowed at different levels. (para. 385 of the Report is misleadingly general.) Nor does it necessarily follow (see para. 389) that "they cannot share their responsibility with higher authority in the Line [and therefore] they can be judged by results."

The other weakness in this part of the Board's report is the attempted defence of having one National Board instead of following the statutorily decentralised model of the gas and electricity industries. It would have been preferable had the Board left the defence to the politicians instead of venturing into the political arena. Nor is its defence particularly effective. To say that "The setting up of completely autonomous Divisions or Areas would be inconsistent with . . . a national policy" disregards the many methods of achieving a large measure of co-ordinated national policy without managing an industry by one London Board. The argument in para. 382 is very double edged—in effect, it says that if there were independent Area Boards some of these might be monopolies which would be bad for the public interest and therefore it is better to have a national monopoly. No doubt this para. should be read in conjunction with para. 429 in which appears the mystical sentence "While on one view the National Coal Board are part of the coal industry and speak on its behalf to the Government and to the people, on another they have been appointed by the Minister at the behest of Parliament to watch over the coal industry in the public interest. . . . Thus the Board must double the roles of the Monopolies Commission. . . and of the monopoly

which it is the Commission's duty to control". (One awaits the report of the Ministry of Fuel and Power to see how the Department justifies its continued existence!) We must be grateful to the Board for dealing with organisation and management at such length. If the explanation is not transparently clear perhaps it is because we are expecting too simple an explanation for an essentially complicated matter.

The report costs 6s. 6d.—a price which puts it out of reach of most of the public. The many tables, particularly in the appendices, no doubt account for the high cost. But if the report is going to reach a wider public the Ministry and the Stationery Office must see that a cheaper version is made available. And, dare one mention it, a simple index would be a great help.

D. N. C.

International Commitments and National Administration

By W. Y. ELLIOTT and others. (University of Virginia: Bureau of Public Administration.) 1949. Pp. 108. \$3.

THIS interesting and suggestive little book is composed of six papers prepared for a symposium of the American Political Science Association held in December, 1948, on "The Impact of Foreign Commitments on Administrative Organisation." All the six contributors have had important administrative experience, and three of them are professional political scientists. There is a general measure of agreement as to the extent to which the international commitments of the United States government have affected the validity of the previous division of responsibilities, both between executive and legislature, and between the different departments of the executive itself, and a praiseworthy attempt to avoid by-passing the issues raised through the use of meaningless words like co-ordination. Above all, there is a lively appreciation of the fact that whether the solutions to particular problems be met through administrative re-organisation, through the establishment of inter-departmental committees at different levels, or through other devices, the structure will in the end depend upon the quality of the men involved, and upon the arrangements made for seeing that they can give of their best. For this reason, particular interest attaches to the concluding chapter by Professor W. R. Sharp on "National Administration and the United Nations System," in which he outlines the United Nations plans for establishing an international centre for training in public administration and the UNESCO-sponsored project (in col-

laboration with the International Institute of Administrative Sciences) for an investigation into the way in which various national governments organise their total representation on the different international bodies.

It should not be thought that there is agreement at every level and on every point. Professor W. Y. Elliott in an illuminating paper on "Congressional Control over Foreign Policy Commitments" denounces the highly controversial suggestion for a joint legislative-executive council on a statutory basis,—a suggestion which receives considerable support from another Harvard contributor, Professor A. N. Holcombe in his paper on "The Impact of Foreign Commitments on the Presidency." Both, however, are well aware—as are indeed all the contributors to the symposium—of the fact that the new kind of foreign policy being pursued by the United States with its strong economic and financial emphasis makes the old distribution of responsibility and control inappropriate as well as administratively unworkable. Since the success of the policy depends on the correct allocation of United States resources, both material and human, between civilian and war industry at home and foreign aid, any decision of significance involves the whole machinery of government, and brings into limelight the whole apparatus of congressional control, particularly the appropriations committees. Professor Elliott is by no means satisfied that Congressional committees are as yet adequately equipped for such delicate

functions; on the other hand it might be argued that they are at least conscious of the necessity for acquiring information if criticism is to be effective, a necessity not always recognised in this country, to judge by back-bench contributions to foreign policy debates in the Commons.

Even so, as Professor Holcombe makes clear, technical developments are still tending to enhance the role of the executive, and it is very possible that the demands of the atomic weapon make nonsense of Congress's constitutional right to participate in a declaration of war. For this reason, the competence of executive government remains the core of the problem. Three quite different contributions on this side of the subject are made available here. Mr. George C. McGhee uses his experience as co-ordinator of the Greek-Turkish Aid Programme to examine the possibilities of using the State Department, as the appropriate body for organising the various specialised services that go to making up a programme of this kind, and emphasises the significance of this on the personnel side. Mr. Paul G. Hoffman from the wider angle of the E.C.A. examines the methods by which the E.C.A. programme can most successfully use the different departments

of the U.S. Government, and fulfil its responsibilities to Congress.

The most interesting paper, however, is that in which Mr. Otto L. Nelson, Jun., a New York business-man who held a war-time appointment as assistant deputy chief of staff, discusses "The impact of foreign commitments on the organisation for national defence." Emphasising that national defence involves even in peace-time decisions affecting the whole national economy, and that no foreign policy that does not consider the defence-burden incurred at every stage, can possibly succeed, Mr. Nelson is in fact repeating Clemenceau's dictum that war is too serious a business for soldiers. The problems that defence under "cold war" conditions raises, cannot be dealt with by leaving such decisions to the outcome of bargaining by the spokesmen of particular services. Somewhere there must be persons to see the picture as a whole and to decide. Where in the governmental structure this responsibility (under the President and Secretary of Defence) should be placed, is, he suggests, a proper subject for consideration by political scientists: "it is essentially a political problem to be solved by civilians."

MAX BELOFF.

The Law Relating to District Audit

By C. R. H. Hurle-Hobbs.

MR. HURLE-HOBBS is well qualified to produce this first work devoted solely to the law of District Audit, for not only is he District Auditor for London, but he has been directly concerned with at least four of the High Court actions mentioned in the Table of Cases, as well as proceedings before Magistrates.

The book contains an interesting historical survey of the origins and growth of District Audit and the various stages of the Audit are dealt with in detail. The inclusion of the judgment in the "Finsbury" case, which is so important in relation to the conduct of Chief Officers, is particularly useful. The printing of various Accounts Orders and Memoranda, however, in a book priced at 35s. seems a little unnecessary.

Throughout, Mr. Hurle-Hobbs refers to the judicial character of the District Audit and it is probably this legalistic approach to the financial affairs of local authorities that causes some criticism at the present time. The author looks forward to the time when the District Audit will be still further extended. Whilst there has been some extension recently to grant aided services of local authorities, it is noticeable that this code of audit has not been applied to the National Health Service, and the nationalised industries have been given the freedom of a normal commercial audit.

Whilst local authorities' accounts have always been subject to some examination, the power of surcharge has only existed

since 1844. This power is unique and applied only to local authorities. There is no other class of public representatives or officials who can be subjected to this type of penalty. It may have been necessary one hundred years ago when accounting of local authorities was quite rudimentary and when there were few full-time financial officers. Unlike the Central Government, local authorities are purely executive agencies and it is probably necessary to provide some control which ensures that expenditure which is clearly *ultra vires* is not persisted in. Where the allegation, however, is that expenditure on a legal object has become so large as to become "unreasonable" then we appear to be getting into the realms of opinion and it is probably better that such matters should be controlled in the truly democratic way, i.e., through the electors. In a short comparison of District Audit with other types of Audit, it is surprising to find that the author makes no reference to the Scottish system of audit. In Scotland the accounts of local authorities are usually examined by practising Accountants approved by the Secretary for Scotland, to whom the Auditors report on any matters to which they desire to draw attention. It is then the duty of the Scottish Secretary to take such action, which may include surcharge, as he deems necessary after hearing the observations of the local authority, which may include the holding of a public enquiry. This gives greater latitude in considering matters reported by the Auditors and at least avoids expensive litigation, for no Scottish local authority seems to be included in the Table of Cases. Further, the Local Government (Scotland) Act, 1947, also defines with some precision the responsibility of both members and officials for illegal payments. The cost of litigation

by a District Auditor can become a serious matter for a local authority because his costs are payable by the authority on the theory that he is acting in the interests of the ratepayers. An examination of the cases taken to the courts indicates that in some instances they have been proceeded with in order to help District Auditors in the discharge of their duties generally, e.g., can a person other than an officer or member of a local authority be surcharged? In such cases it seems that the cost incurred by the District Auditor should be met by the Central Department. The constitutional position may make this difficult, and, if District Audit continues as now, then consideration might be given to placing it under the jurisdiction of another department of the Government.

Whilst the fear of surcharge may restrain a local authority from embarking on schemes which are obviously illegal, it also has a severely constricting effect on their activities generally. The law lags behind social and other changes and the legal audit is hardly appropriate to deal with problems which are fundamentally social in character, e.g., in *Walker v. Birmingham* (not reported in the book) the Corporation was taken to Court of Appeal to vindicate its right to pay a cost-of-living allowance varying with the number of children of an employee. Further, local authorities are frequently precluded from taking measures which are recognised to be financially prudent because there is no direct legal sanction.

Whilst the system of District Audit can be criticised, the actions of District Auditors themselves have done much to modify its more extreme results, and the present book emphasises the care they must take to discharge their statutory duties effectively and fairly.

H. HAYHOW.

Overhead Costs. Some Essays in Economic Analysis

By W. ARTHUR LEWIS (Allen and Unwin). 1949. Pp. 200. 15s. net.

Do not be misled by the title and subtitle of this book. The seven essays it includes cannot be hung on any single peg, whether it be called "Overhead Costs" or anything else, and they are far more essays in applied economics

than in economic analysis. What Professor Lewis does is to tackle a number of the major economic problems of public policy, in our day and age—real problems of the welfare and interventionist state. He applies economic doctrine

with robust common-sense, and his facility in throwing the light of theory into some of the dark and unexplored places in economic policy will be of real value to poor souls struggling to find intellectually satisfactory (as well as administratively possible and politically feasible) solutions to these problems.

One of the troublesome facts of recent years is the emergence of new problems of economic policy before economists have been able to build a satisfactory framework of principles for their solution. What price policy should socialised industries follow? What does "co-ordination" between them really mean, and how can it best be brought about? What method and degree of public control is needed over the policies of the semi-autonomous nationalised industries for the advancement of the broad national interest?

Such problems are discussed in Professor Lewis's first, second and last essay in this book; the other essays are studies in economic policy in relation to non-socialised sectors of the economy.

Professor Lewis develops the thesis that the main basis for the price-policy of, and for co-ordination between, socialised industries should be the cost of individual services; in his first essay—"Fixed Costs"—and his last one—"The Administration of Socialist Enterprises"—he analyses the various categories of cost and their relevance for these problems. What broadly emerges is that the cost which in his view is relevant for price fixing and co-ordination is the total of escapable cost items—a conclusion which will find widespread acceptance among economists to-day. The second essay—"The Two-Part Tariff"—is a reprint of a classic article published in *Economica* some years ago. It brings out the inferiority of the two-part tariffs still most usually employed—the industrial tariff with standing charge based on simple maximum demand, and the domestic tariff with standing charge based on the rateable value, floor area, or number of rooms in the house. Professor Lewis recommends an electricity tariff in which the charge would vary as between peak and off-peak hours. His conclu-

sions are broadly in line with those of the Clow Committee on the Electricity Peak Load Problem which reported to the Minister of Fuel and Power in 1948. It would have been interesting if, in revising this essay, Professor Lewis had been able to consider the Clow Committee recommendations—but perhaps the publication timetable did not allow that.

Certainly the timetable would not have allowed him to comment in his essay on "Competition in Retail Trade" on the recommendations of the Report by the Committee on Resale Price Maintenance published this year. It is, however, significant that he, like the Committee, considers the case against resale price maintenance, in general, well founded.

The essay "Monopoly and the Law" is a reprint of a much-quoted article published in the *Modern Law Review* six years ago. It reveals most uncomfortably the great confusion which has existed for many years on the meaning of freedom and equity in trade policy. Professor Lewis concludes that if there is to be an effective public policy against monopoly abuse, it will be necessary to build up an organisation large enough and with the right calibre of staff to tackle a very big job. It seems a pity that Professor Lewis has not added to this essay the gist of his conclusions about the implementation of the Government's new policy on monopolistic practices, discussed by him in a recent issue of "The Manchester School."

Occasionally, Professor Lewis's judgment seems to falter, and some of his assumptions are applied more positively than the supporting evidence admits. There are a few slips on the facts—very understandable in studies which cover such a wide field of subjects. It would have been better to have shown clearly the date at which each of the essays was written, and certainly the book would have been improved had the author been able to bring all of them up to date. But these are minor criticisms. The book is a real contribution to solving the hard problems of economic policy facing public administrators to-day.

P.C.

Society and the Criminal

By SIR NORWOOD EAST. (H.M.S.O.) Pp. 315. 10s.

WHEN the Stationery Office publishes a book of some size, apart from an official or departmental document, it is reasonable to expect a popular classic. "*Society and the Criminal*" by Sir Norwood East (some 300 almost too-closely-printed pages), seems to reach this standard, for it makes a real appeal to men in the street—the individual citizens whose senses of personal and communal responsibility add up to that totality of views and experience which is called Society. On the other hand, it has a true text book value for the expert and the sub-expert who deal daily with social problems in Universities, in varied Councils and Committees, and in most Courts of all jurisdictions.

Salutary emphasis is laid on the need for extension of the scientific method of criminal enquiries, although it is recognised that human beings are so generally illogical that intuition, although not to be encouraged at the expense of precise factual knowledge, can frequently play an important part in the assessment of a particular case.

Here the Sociologist has at hand a treatise on the diverse individual and communal problems of addiction and alcoholism, homosexuality, sexual offences and prostitution, dealt with from the professional angle and devoid of fictional emotion.

Here the legal expert can obtain a summary of mature medical discussion on the varying grades of responsibility and culpability, or the important and unimportant physical factors which may have a bearing on the personality of the Offender. There is a balanced review of the hinterland of Psychopathic Personality, that small but important group of the non-sane, non-insane which causes so much upheaval in certain social and legal circles and whose understanding is still hampered by the multiplicity of its classifications. The extreme normal and abnormal types show up clearly, if infrequently, in the criminological mosaic as white and black, but the difficulties which arise in the identifica-

tion and differentiation of the multiple gradations of grey must appear insoluble without a wide experience in this special field where the abnormal is in truth "merely an exaggeration of the normal."

We are reminded of the existence of an appreciable borderland and its territory is aptly delineated wherein live the more normal abnormals and the less abnormal normals—or "deviates."

Here the non-practising Psychiatrist can come down to earth or to the humble level and background of the local and special Prisons where his academic theory can be tested in the grim light of everyday human and sub-human relationships. He cannot fail to become a good medical witness in the Courts if he has sufficiently imbibed the instructive relative sections of this book.

There will be general, if not universal, endorsement of his views.

"It is a well-known fact that some lawyers and doctors from time to time express their disapproval of the so-called McNaghten Rules in cases where criminal responsibility is contested. It is alleged that the law in this matter is antiquated and unfair. But one is sometimes forced to wonder how much first hand acquaintance the critics have in the matter. For their proposals are sometimes highly controversial, and fail to provide for a practical, reliable and effective alternative. It must be remembered that the Rules are retained because no one has improved upon them in a manner which leaves the issue still clear to the jury."

Here the Priest can see how great is the diminution of spiritual influence in the determination of ill-conduct, and how real is the need for an improved inter-locking mechanism at the crucial junction of the respective vertical and horizontal elements of Church and Society.

Here Parliamentarians who are constantly concerned with the balance of importance between the individual and the State, can find food for much thought

in this more circumscribed group of citizens who, on their part, exert a malign influence out of all proportion to their numerical strength and who can be counteracted by the encouragement of and increased degree of individual, communal and national positive wholeness.

The book contains a foreword by Sir Alexander Maxwell, a recommenda-

tion that can be specially accepted as coming from one who, for many years as Chairman of the Prison Commission and lately as permanent Under Secretary of State, successfully applied general principles to particular cases with sufficient elasticity to establish a more Homely atmosphere in a strictly official environment.

W. S. MACDONALD.

Children and Young Persons

By CHARLES WINTER. Stevens 4s. "This is the Law" Series.

BEFORE the twentieth century, the care, protection, and nurture of the young was regarded as the concern of parents. Any intervention by the State between parent and child, even where the child suffered physical neglect or mental harm, was looked upon with suspicion or hostility. It was not until the Children Act, 1908, that a growing change in attitude was reflected in the law, or that the legal status of the child was fundamentally revised. Since that date there has been in this country an increasing sense of responsibility towards young people, and this is reflected in legislation that now affects all aspects of life.

With the growth of legislation, there is a need for a simple guide for the ordinary citizen, for the teacher, and for the voluntary social worker. Mr. Winter has provided them with such a guide. His book is concerned with the law in England and Wales, and answers such general questions as, what in the eyes of

the law is a 'child'? Is the definition the same in all statutes? He answers also specific questions, such as what is the legal status of an adopted child, or what is the law with regard to maintenance for reward. For the general reader, the limitations that Mr. Winter has set himself add clarity. As in other books of this series, there is no mention of important cases that have arisen nor any description of the machinery of administration. The bibliography lists the main official publications dealt with on the topics.

For the social worker in training, a rather fuller index would have been helpful. One cannot, for instance, find readily from the index where reference is made to the age of consent or to conditions that control stage performances by young people. The social worker is, perhaps, a special case. For the general reader this should be a useful book of reference.

E. W. C.

Public Administration in Ireland. Vol. II

Edited by F. C. KING. (Parkside Press Ltd., Dublin.) 10s 6d.

THERE have been few published studies on the theory and practice of the Irish administrative system. The Civics Institute of Ireland and Mr. F. C. King, the Editor, are therefore to be congratulated on their production of *Public Administration in Ireland*, Vol. II, which places within the reach of ordinary readers this series of lectures. Vol. II is, if anything, better and of wider general interest than its predecessor, Vol. I, which sold out within a few months of its publication. It covers a wide range of subjects and presents a conspectus of

Irish Administration. Each lecturer is either head of, or a leading exponent of, the particular branch of administration of which he speaks.

The Editor contributes an introduction in which he refers to several problems which face the administration of the country. There are 19 lectures of a distinctly practical nature and an Appendix contributed by the Department of Industry and Commerce gives a useful summary of the Anglo-Irish Trade Agreements of 1938 and 1948.

Book Notes

OFFICIAL PUBLICATIONS

The Library of the Institute contains a growing collection of British Government Publications. Among the more recent additions are :

Central Office of Information.

Introducing West Africa. pp. 86.
Numerous illus., map. 1948.
1s. 6d.

Brief account of social conditions, including notes on local government.

Labour and trade union organisation in the Federation of Malaya and Singapore : report by S. S. Awbery and F. W. Dalley. pp. 70. 1948.
5s. (Colonial Office No. 234.)

African labour efficiency survey, ed. by C. H. Northcott. pp. 123. 1949.
2s. Colonial Office. Colonial research publications.

This is an important report of an investigation into the social and economic conditions of more than 6,000 Africans employed by the Kenya and Uganda Railway with a view to ascertaining efficiency, the factors which affect it and the incentives that might increase it. The enquiry, which was planned to last six months only, was not in any sense an investigation into the efficiency or policy of the Railway Administration.

Agreement. . . for the establishment of the Caribbean Commission, Washington, 30th October, 1946. Cmd. 7679. pp. 23. 1949. 6d. (Foreign Office Treaty series No. 27 (1949).) (English, French and Dutch texts.)

Agreement. . . for the establishment of an International Authority for the Ruhr, London, 28th April, 1949. Cmd. 7685. pp. 27. 6d. (Foreign Office Treaty series No. 28 (1949).) (English and French texts.)

Report of the Committee on Police Conditions of Service. Part 1. Cmd. 7674. pp. IV., 123. 1949. 2s.

Standing orders of the House of Commons. Part 1. Public business.

Part 2.—Private business, with table of fees and index 1948. H.C. 17. pp. 320. 5s.

Smallholdings : first report of the Smallholdings Advisory Council on the Administration of part IV. of the Agriculture Act, 1947. pp. 61. 1949. 1s. 3d.

Contains recommendations on the general policy to be followed in the administration and submits a Model Tenancy Agreement.

Circulars and administrative memoranda issued by the Ministry of Education, during the period 1st April, 1947 to 31st March, 1948. 12s. 6d.

Electricity supply, 1946-47 : return of engineering and financial statistics relating to authorised undertakings in Great Britain for the Year 1946-47. pp. LIX, 254. 1949. £1 10s.

Local Government financial statistics 1946-47. January. pp. 10. 3d.

London traffic : 23rd annual report of the London and Home Counties traffic Advisory Committee for the year 1947-48. pp. 31. 1949. 9d.

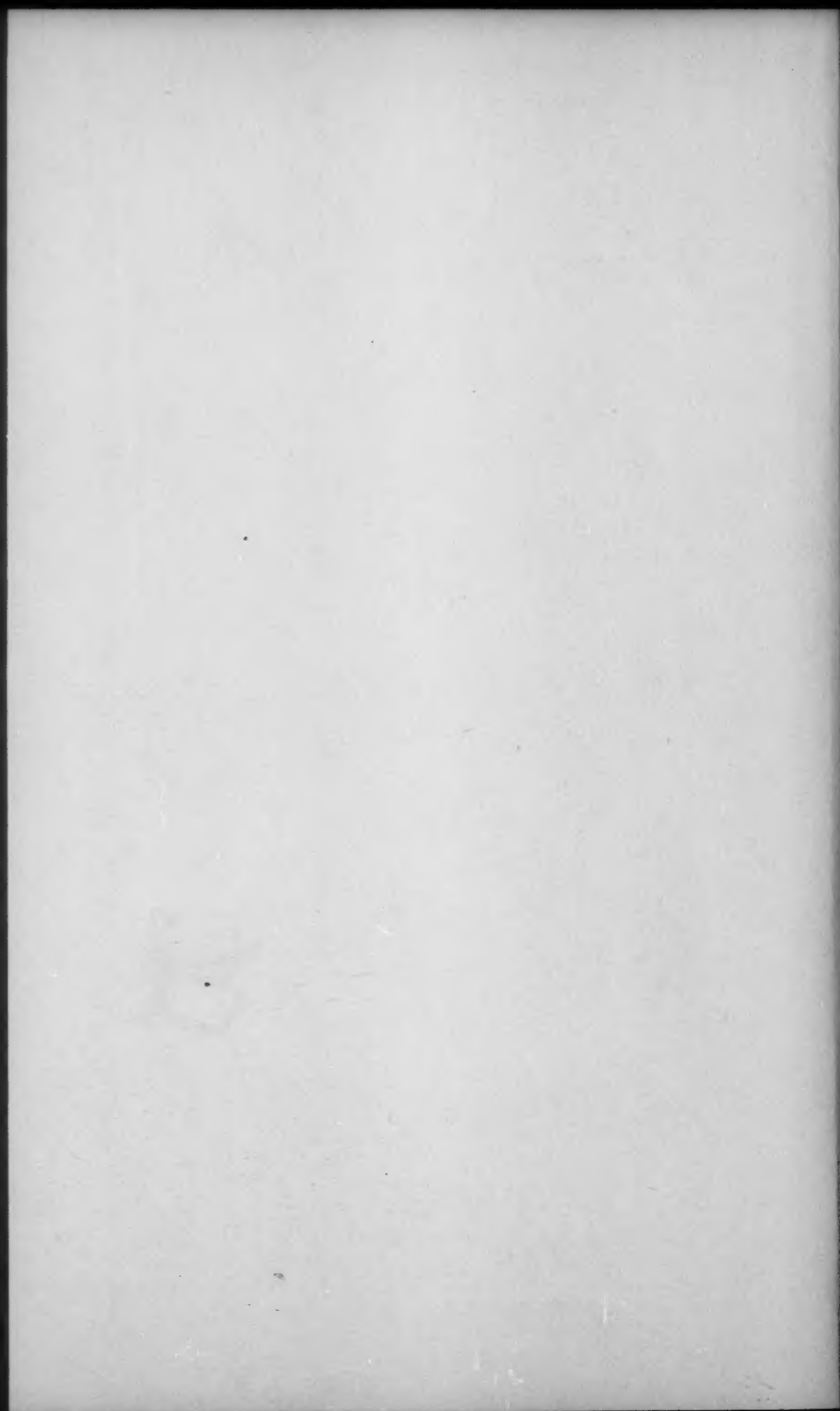
New Towns Act, 1946. Reports of the Aycliffe, Crawley, Harlow, Hemel Hempstead and Stevenage Development Corporations for the period ending 31st March, 1948. H.C. 113 pp. 86. Plans. 1949. 1s. 6d.

These are the first reports in each case and cover planning, public services, labour, estates, staff, finances and administration generally.

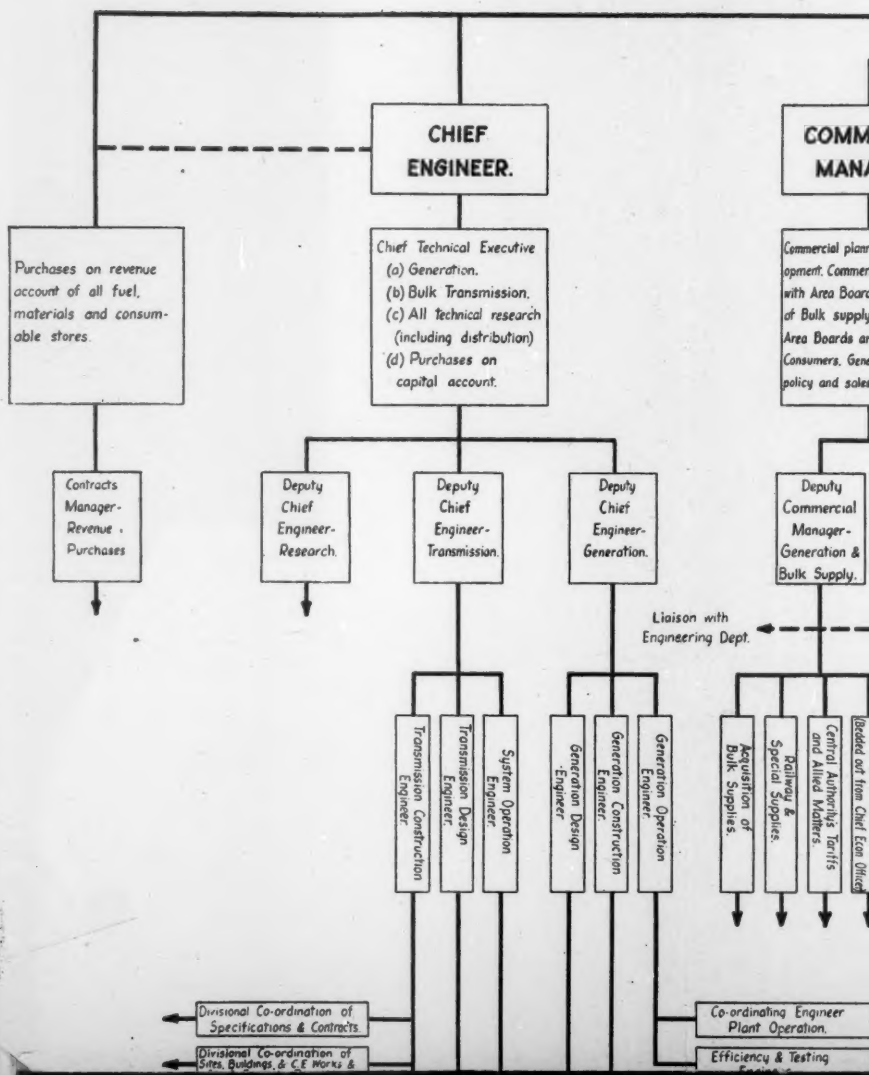
Post Office : Commercial accounts, 1947-48. Accounts and balance sheets for the year ended 31st March, 1948. H.C. 22. pp. 42 1948. 9d.

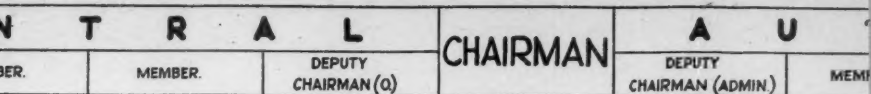
- Report of Scottish Department of Health for the year 1948. Cmd. 7659. pp. 88. 1949. 1s. 6d.
- Education in Scotland in 1948 : a report of the Secretary of State for Scotland. Cmd. 7656. pp. 68. 1949. 1s. 3d.
- Health, welfare, and safety in non-industrial employment. Hours of employment of juveniles : report by a Scottish Committee of Enquiry. Cmd. 7664. pp. 115. 1949. 2s.
- Return of rates in Scotland, 1947-48 and 1948-49 rateable values 1948-49. Population and area 1948. pp. 16. 1949. 4d.
- Trading accounts and balance sheets, 1947-48 : With the report of the Comptroller and Auditor-General therein. H.C.49. pp. XVI., 157. 1949. 3s.
- Economic survey for 1949. Cmd. 7647. pp. 63. 1949. 1s.
- Financial statement (1949-50). H.C. 124. pp. 31. 6d.
- National income and expenditure of the United Kingdom 1946 to 1948. Cmd. 7649. pp. 62. 1949. 1s.
- 76th annual report of the Deputy Master and Comptroller of the Royal Mint, 1945. pp. 66. 1949. 1s. 3d.
- United Kingdom balance of payments, 1946 to 1948. (No. 2) Cmd. 7648. 1949. 3d.
- Colonial Annual Reports : The reports of the various Colonies for 1947 are available. The usual price is 2s. each but for certain of the larger reports e.g. Jamaica and Malayan Union the price is higher.
- Corona : the Journal of His Majesty's Colonial Service, Vol. 1, Nos. 2-4, March, April and May, 1949. 1s. each.
- THE April issue has a topical contribution on "Local government in Malaya" by W. C. Taylor, President of the Municipal Commissioners of Penang. P. H. Canham writes on "Local government in Ashanti", in the May issue. There is much other interesting matter on administrative problems in these journals.
- Journal of African Administration. Vol. 1, No. 2, April, 1949. 1s. 6d.
- THE main articles deal with "The member system in British African territories", "The progress of Provincial Councils in the British African territories", by R. E. Robinson, and "The application of English local government principles in Africa", by R. A. Stevens.
- Overseas Education. Vol. xx., No. 2, January, 1949. 8 illustrations, 1s.
- THE African Education Department of Northern Rhodesia is setting up its own school-building organisation, which is described by J. A. Cottrell in his article "Educational building teams and the training of building artisans in Northern Rhodesia : a mass education experiment". The issue contains a useful six page bibliography of recent publications on colonial education.
- Regionalism by Peter Self. Allen & Unwin, 96 pp. 1949. 3s. 6d.
- THIS is a report prepared for the Fabian Society. It covers ground already well trampled, but is a useful addition to the literature. It is marred by a bad opening chapter, in which a somewhat hysterical note is struck, and by the usual concentration on areas instead of seeing the problem of local government in its widest setting—financial, devolution of central powers, etc. Coming as it does from a Society supporting the Government it is notable for its implied criticism of the Government's handling of the problem discussed.

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C E N T		
CHAIRMAN N. of SCOT. H.E. B.		MEMBER.





PERSONAL ASSISTANT.

PERSONAL ASSISTANT

PERSONAL ASSISTANT.

COMMERCIAL MANAGER.

Commercial planning and development. Commercial co-ordination with Area Boards. Determination of Bulk supply tariffs to Area Boards and Special Consumers. General commercial policy and sales promotion.

Deputy Commercial Manager-Generation & Bulk Supply.

Deputy Commercial Manager-Distribution.

Liaison with Accounts Dept.

CHIEF ACCOUNTANT.

All financial and accounting matters both capital and revenue.

Deputy Chief Accountant Negotiations with Local Authorities & Income Tax.

Deputy Chief Accountant Capital Finance & Expenditure.

Deputy Chief Accountant Generation & Transmission.

Deputy Chief Accountant Distribution & General.

Income Tax.

Negotiations with Local Authorities.

Capital Expenditure.

Capital Finance.

Transmission Finance Accts.

Generation Finance Accounts.

General Finance Accts.

Distribution Finance Accts.

Director of Establishments.

Deputy Secretary Administration.

Deputy Director of Establishments.

General Correspondence.

Liaison with Areas & Divisional Secretaries.

Planning Engineer Operation.

Policy & Testing

General

Super

Pers

A U T H O R I T Y

DEPUTY
MAN (ADMIN.)

MEMBER.

MEMBER

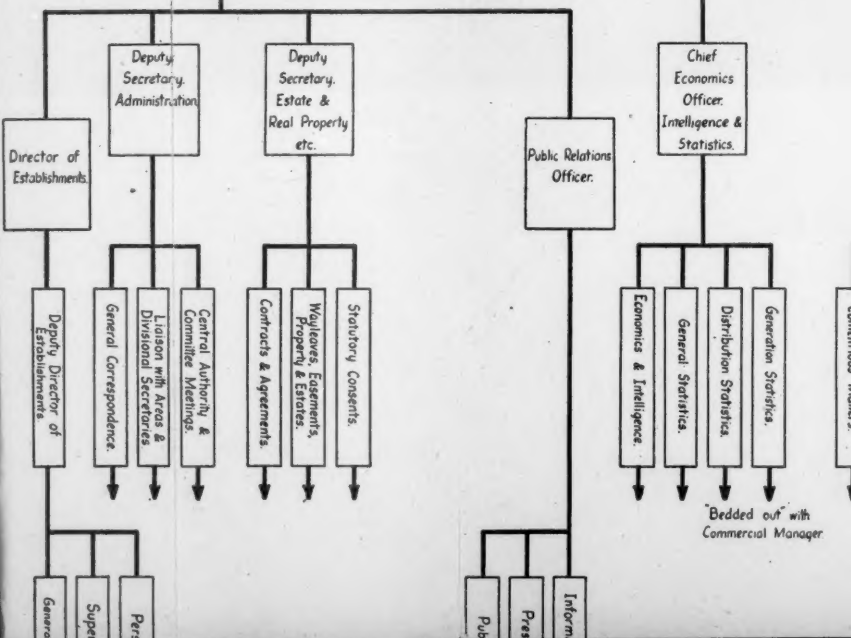
FOUR AREA BOARD CHAIRMEN.

PERSONAL
ASSISTANT.

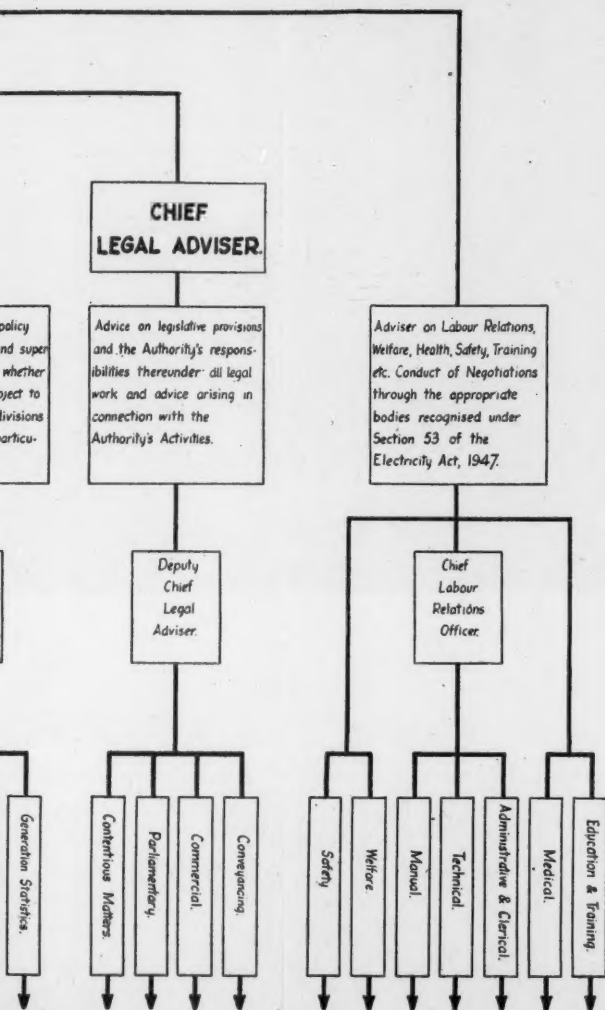
SECRETARY.

Advice to Central Authority
on matters of general policy,
Direction of the administration,
Establishments and common
services of the Central
Authority including Estate & prop-
erty managemt. Public relations.

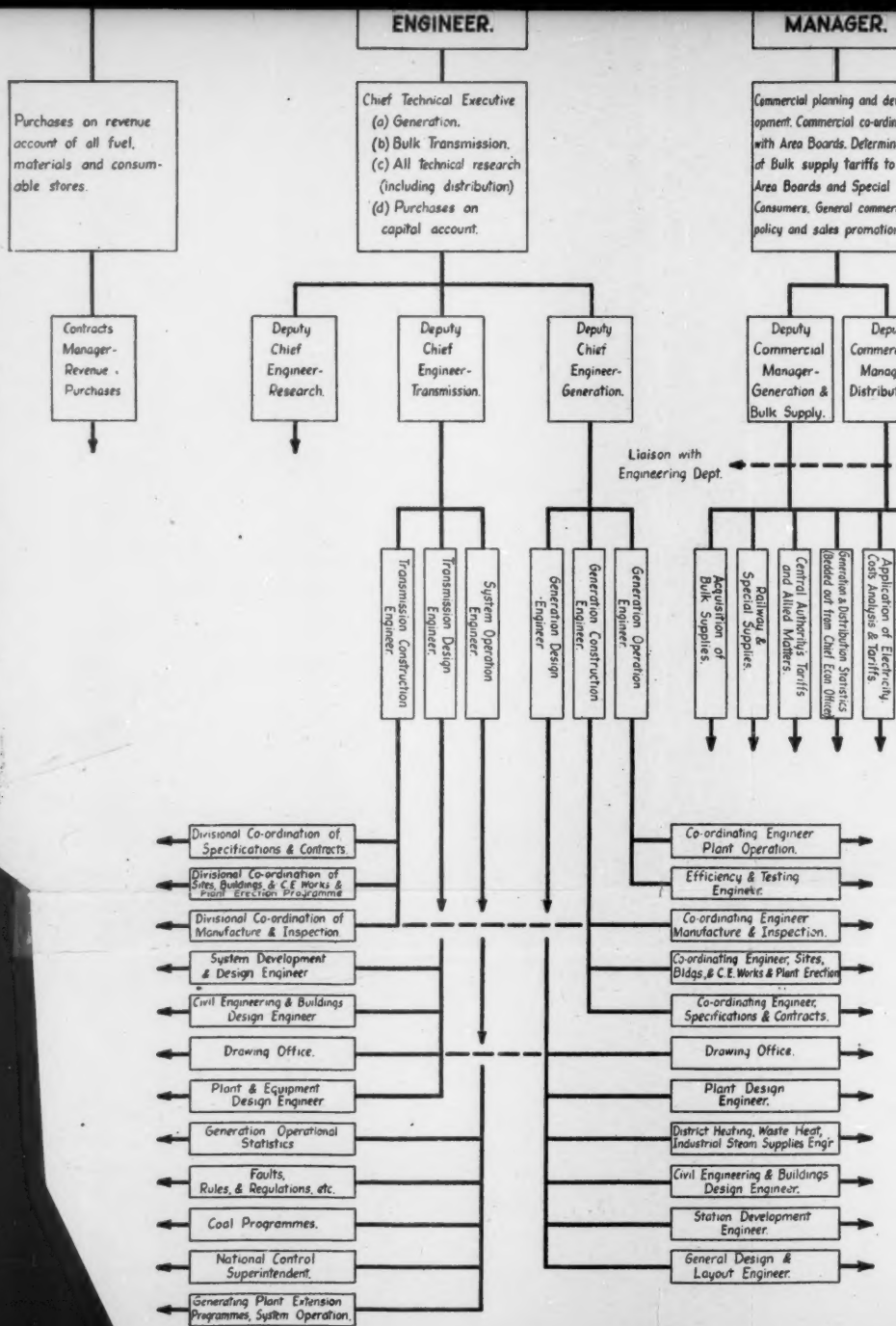
Adviser on economic policy
and trends. Collation and super-
vision of all statistics whether
general or special subject to
bidding out of the divisions
to the departments particu-
larly concerned.



APPENDIX I



and out with
Chief Manager



ACCOUNTANT.

All financial and accounting matters both capital and revenue.

Advice to Central Authority
on matters of general policy.
Direction of the administration,
Establishments and common
services of the Central
Authority including Estate & prop-
erty managemt. Public relations.

Deputy
Chief Accountant
Negotiations with
Local Authorities
& Income Tax.

Deputy
Chief
Accountant.
Capital Finance
Expenditure.

Deputy
Chief
Accountant.
Generation &
Transmission

Deputy
Chief
Accountant.
Distribution
& General

Deputy
Secretary.
Administration

Deputy
Secretary.
Estate &
Real Property

Liaison with
Accounts Dept.

Director of
Establishments.

Deputy Director of Establishments.

General Correspondence.

Liaison With Areas & Divisional Secretaries

Contracts & Agreements.

**Insurance, Life, Accident,
Property & Estates.**

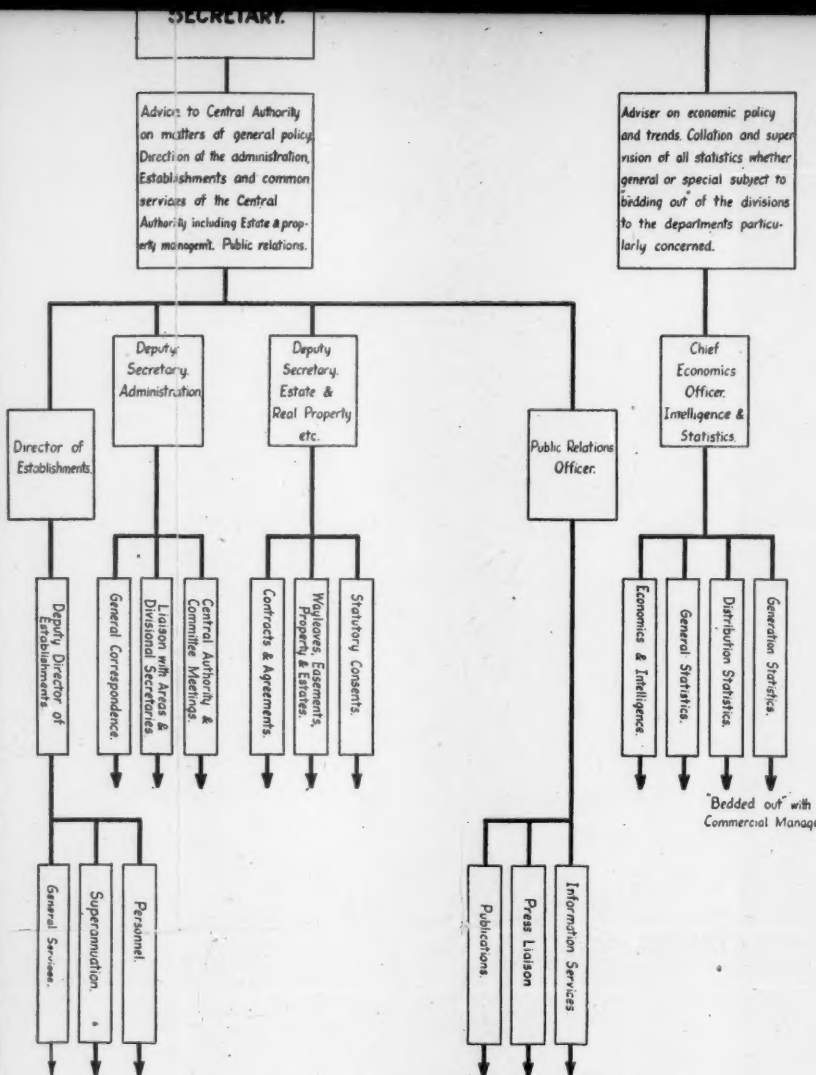
Engineer
 1. _____

 Engineer
 Section. _____
 Sites,
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 Engineer,
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 Heat,
 ies Engr _____
 Buildings
 r. _____
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BRITISH ELECTRIC
HEADQUARTERS

1ST. AM



BRITISH ELECTRICITY AUTHORITY.
HEADQUARTERS. ORGANISATION.

1ST. APRIL 1948.

LEGAL ADVISER.

economic policy
and supervision
statistics whether
subject to
the divisions
of the particu-
lar.

Advice on legislative provisions
and the Authority's responsi-
bilities thereunder: all legal
work and advice arising in
connection with the
Authority's Activities.

Chief
Economics
Adviser.
Finance &
Statistics.

Deputy
Chief
Legal
Adviser.

Generation Statistics.
Distribution Statistics.

"Bedded out" with
Commercial Manager

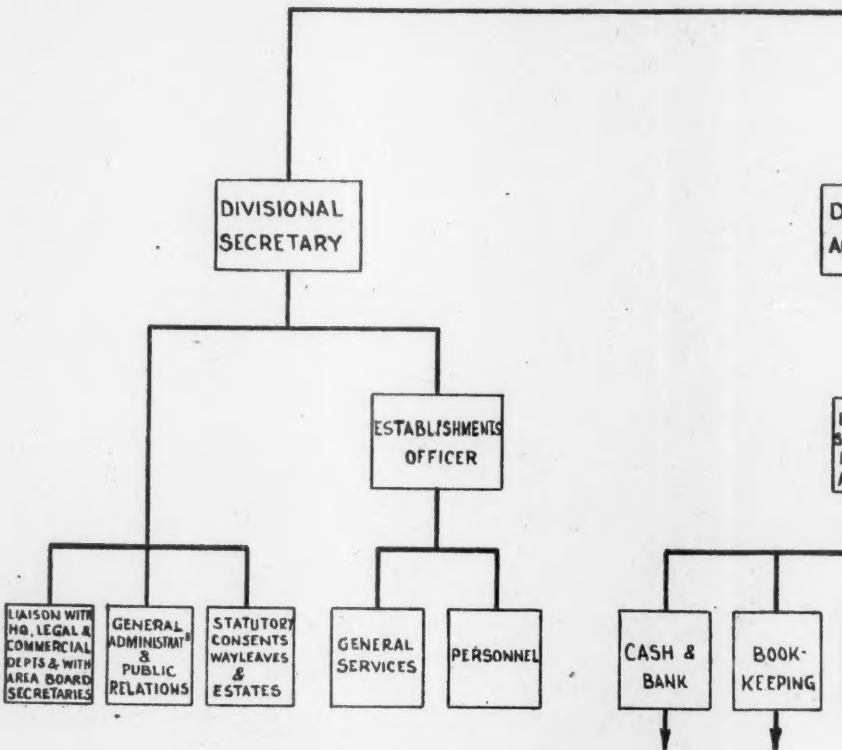
Conveyancing.
Commercial.
Parliamentary.
Contentious Matters.

Adviser on Labour Relations,
Welfare, Health, Safety, Training
etc. Conduct of Negotiations
through the appropriate
bodies recognised under
Section 53 of the
Electricity Act, 1947.

Chief
Labour
Relations
Officer

Safety.
Welfare.
Manual.
Technical.
Administrative & Clerical.
Medical.
Education & Training.

ORGANISATION OF A GENERATION DIVISION



BRITISH ELECTRICITY AUTHORITY.

1ST MAY 1948.

NOTES:

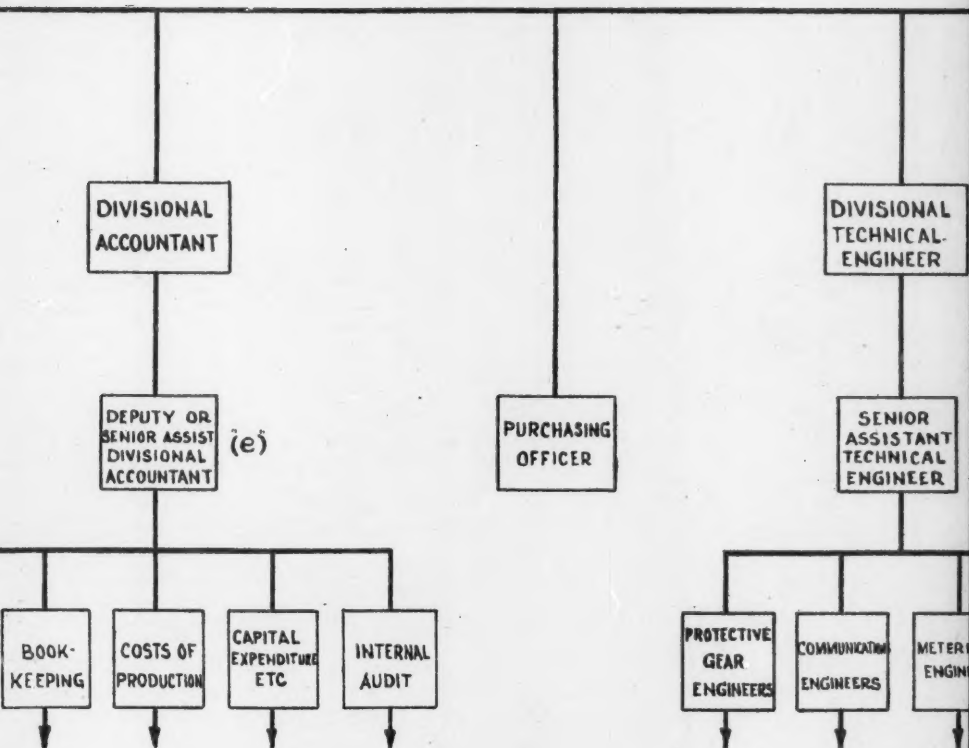
(a) ON

"(b)" UP

"(C)" ON

"(d)" ON

"(e)" TV



NOTES:

"(a)" ONLY IN DIVISIONS HAVING MORE THAN ONE GENERATION (OPERATION OR CO

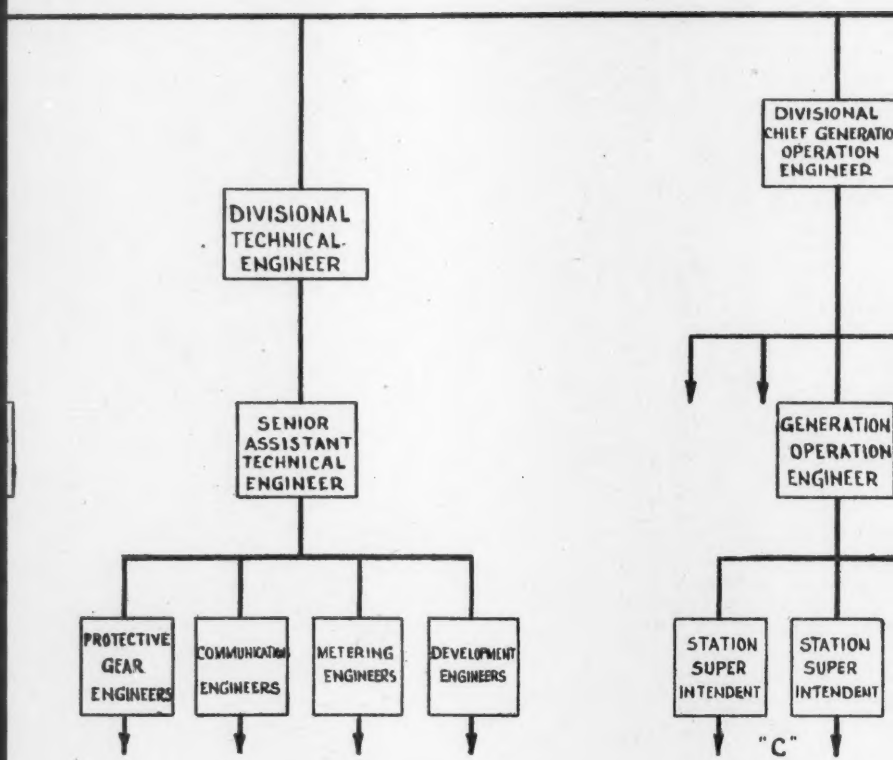
"(b)" UP TO A MAXIMUM OF 5, AS NECESSARY.

"(c)" ONE TO EACH GENERATING STATION.

"(d)" ONLY IN DIVISIONS IN WHICH A CONTROL ROOM IS SITUATED

"(e)" TWO OR MORE IF NECESSARY

DIV



GENERATION (OPERATION OR CONSTRUCTION) ENGINEER.

ROOM IS SITUATED

DIVISIONAL CONTROLLER

PERSONAL ASSISTANT

DIVISIONAL
CHIEF GENERATION
OPERATION
ENGINEER

(a)

GENERATION
OPERATION
ENGINEER

(b)

STATION
SUPER
INTENDENT

STATION
SUPER
INTENDENT

DIVISIONAL
CHIEF GENERATION
CONSTRUCTION
ENGINEER

(a')

GENERATION
CONSTRUCTION
ENGINEER

(b')

CONSTRUCTION
ENGINEER
OR CLERK
OF WORKS

CONSTRUCTION
ENGINEER
OR CLERK
OF WORKS

CONSTRUCTION
ENGINEER
OR CLERK
OF WORKS

"C"

LER

NAL
TANT

DIVISIONAL
CHIEF GENERATION
CONSTRUCTION
ENGINEER

(a)

GENERATION
CONSTRUCTION
ENGINEER

(b)

CONSTRUCTION
ENGINEER
OR CLERK
OF WORKS

CONSTRUCTION
ENGINEER
OR CLERK
OF WORKS

SYSTEM
OPERATION
ENGINEER

"d"

SENIOR
ASSISTANT
OPERATING
ENGINEER

2ND
ASSISTANT
ENGINEERS

CONTROL
SUPER
INTENDENT

3RD
ASSISTANT
ENGINEERS

SHIFT
CONTROL
ENGINEER

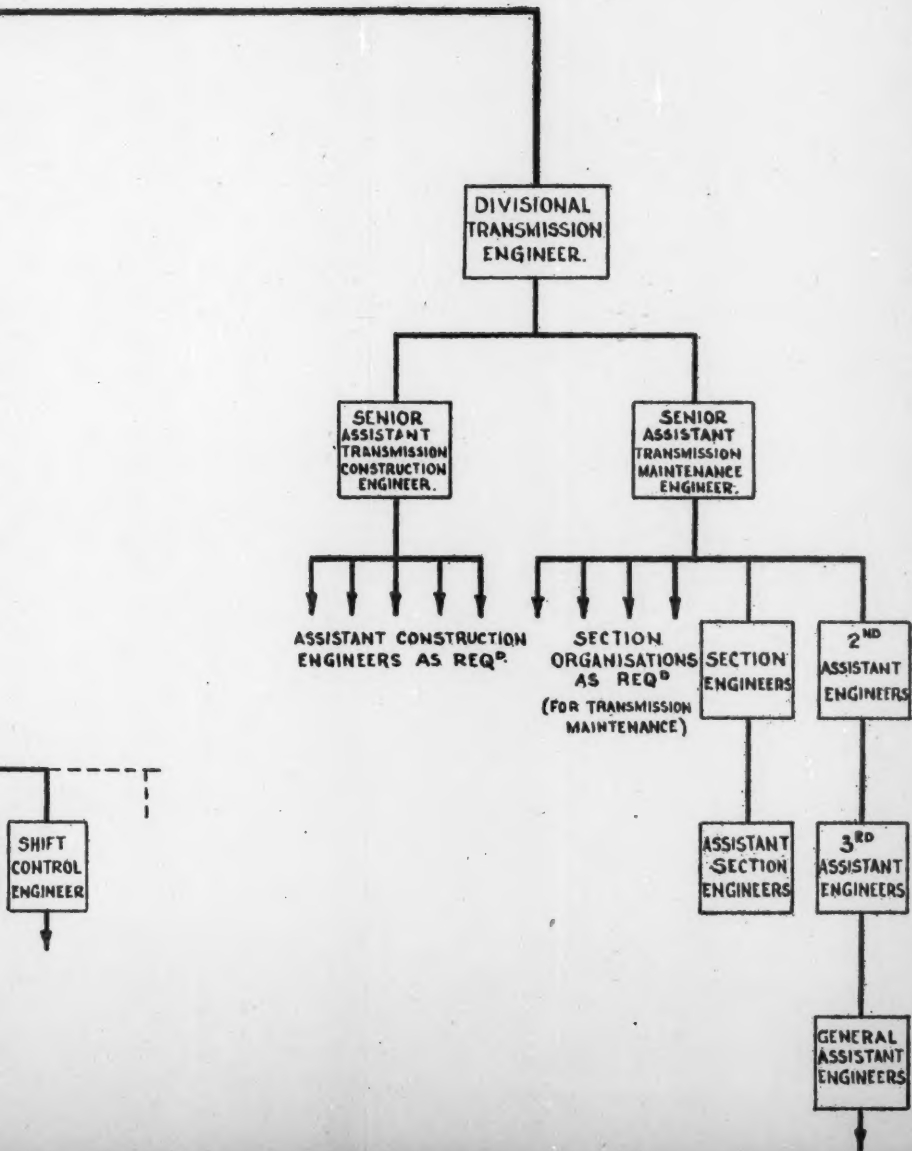
SHIFT
CONTROL
ENGINEER

SHIFT
CONTROL
ENGINEER

SHIFT
CONTROL
ENGINEER

GENERAL
ASSISTANT
ENGINEERS

APPENDIX II

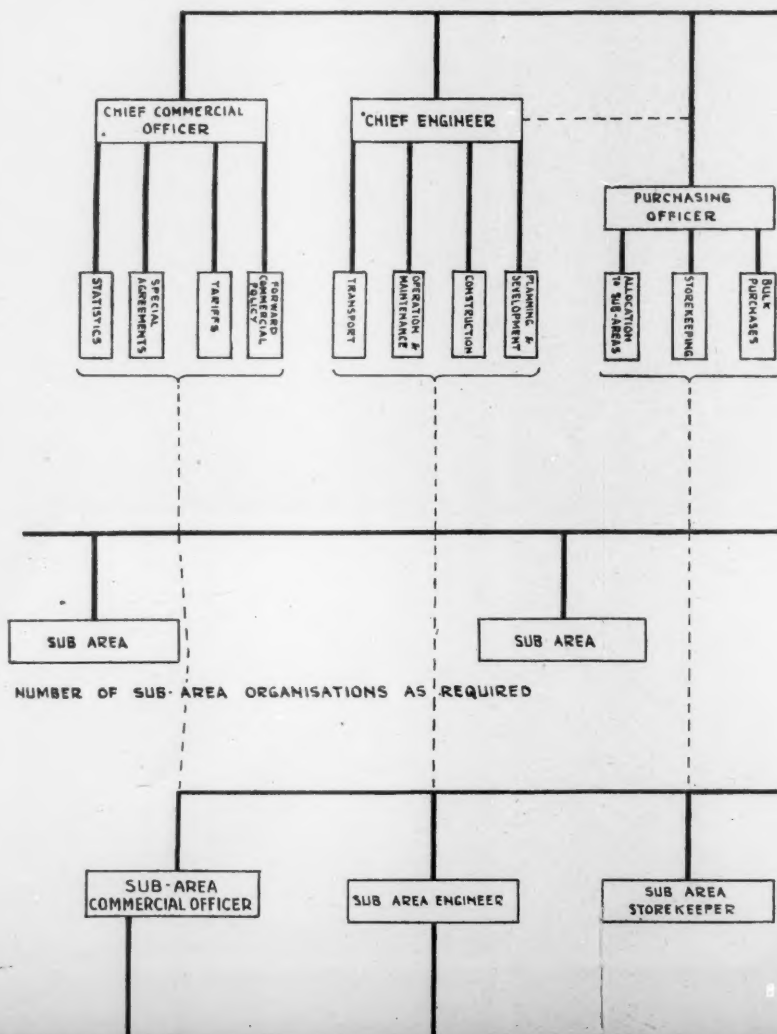


BRITISH ELECTRICITY AUTHORITY
SUGGESTED TYPICAL ORGANISATION
FOR AREA BOARDS.

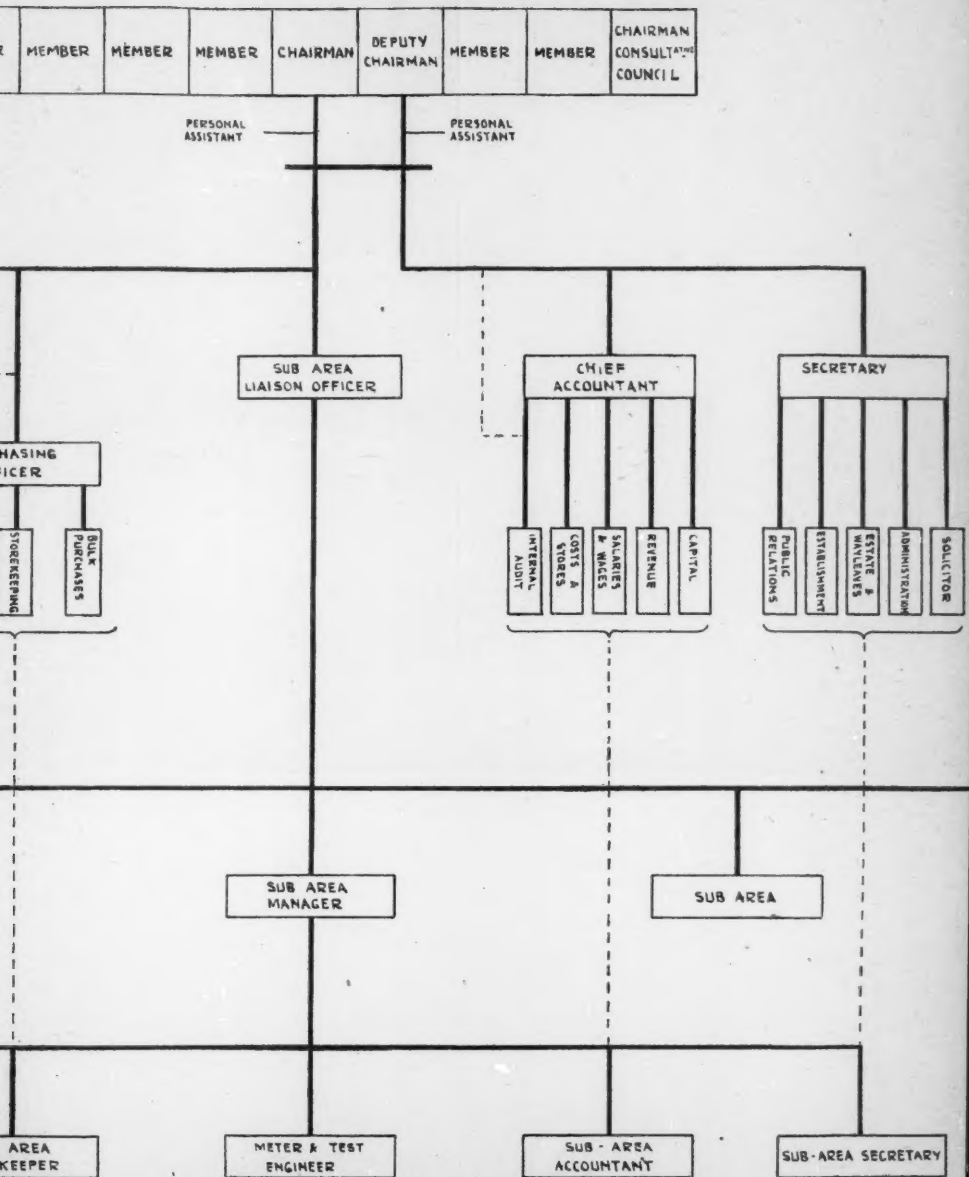
CHART A

INCORPORATING THE DOUBLE-HEADED DISTRICT ORGANISATION

MEMBER	MEMBER
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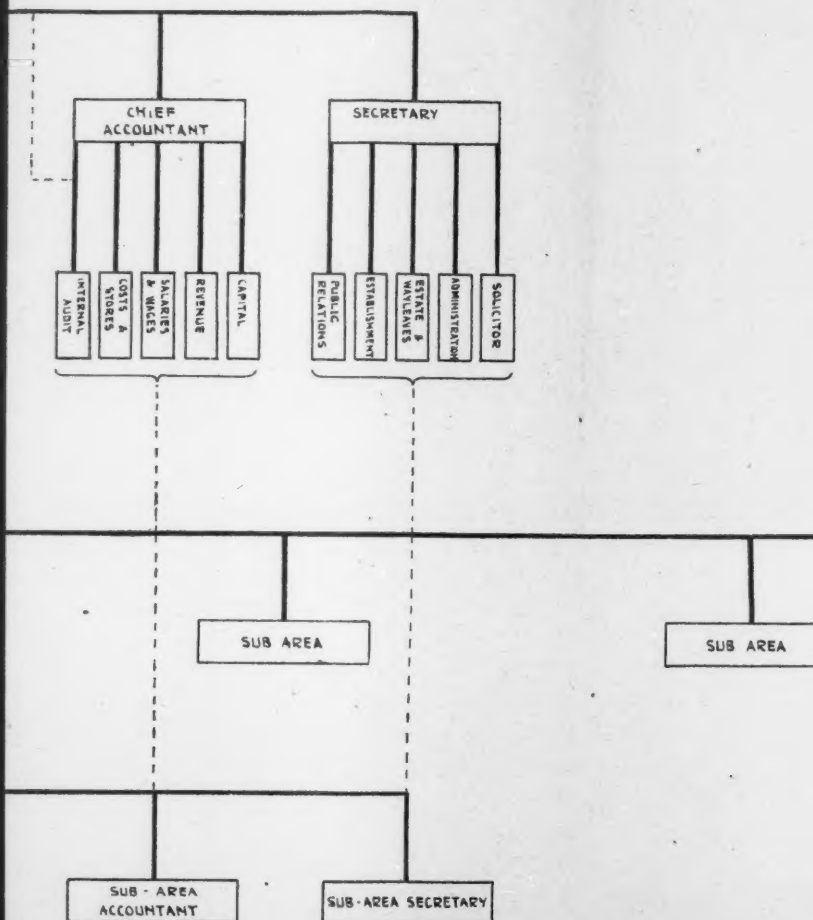
NUMBER OF SUB-AREA ORGANISATIONS AS REQUIRED



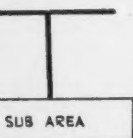
APPENDIX III A

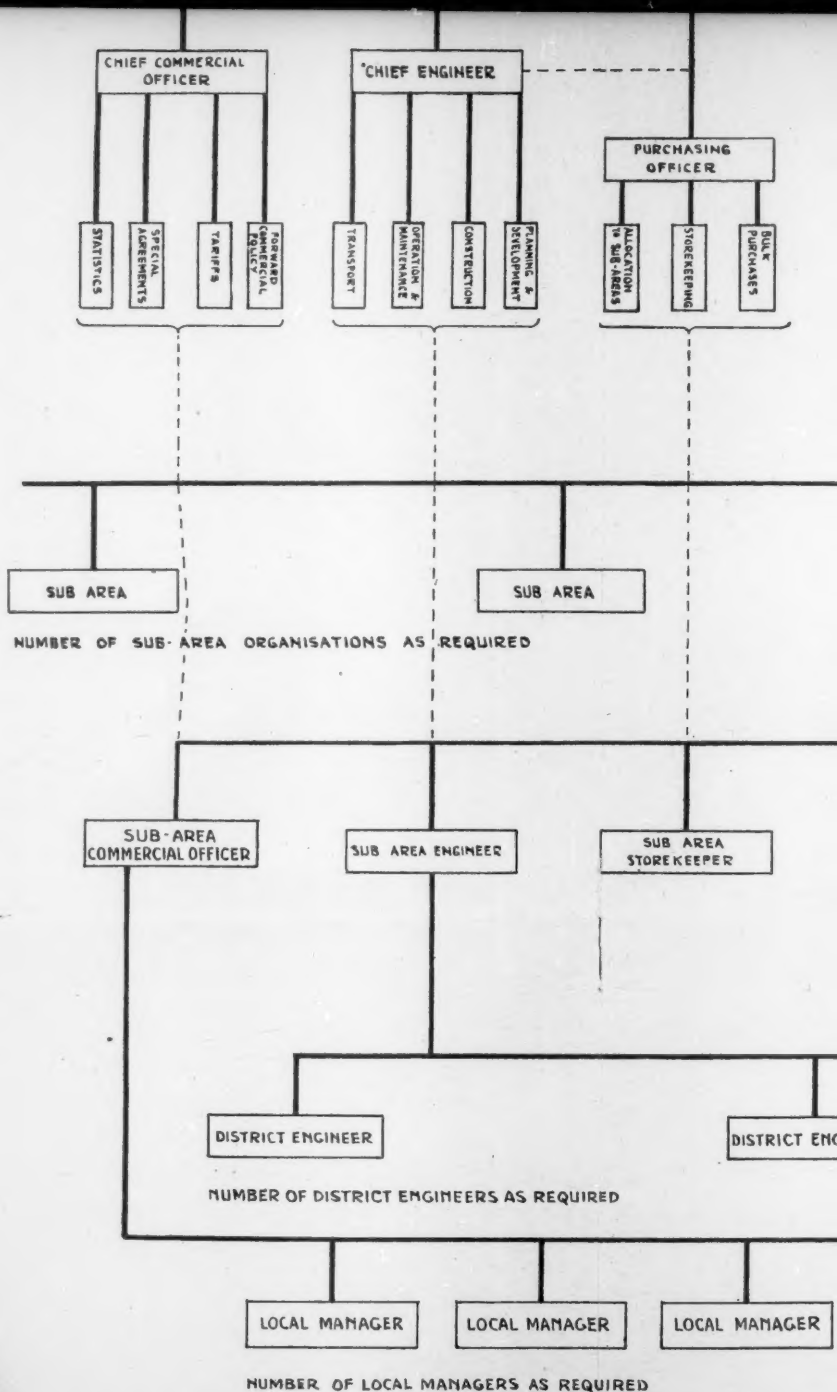
MEMBER	MEMBER	CHAIRMAN CONSULTATIVE COUNCIL
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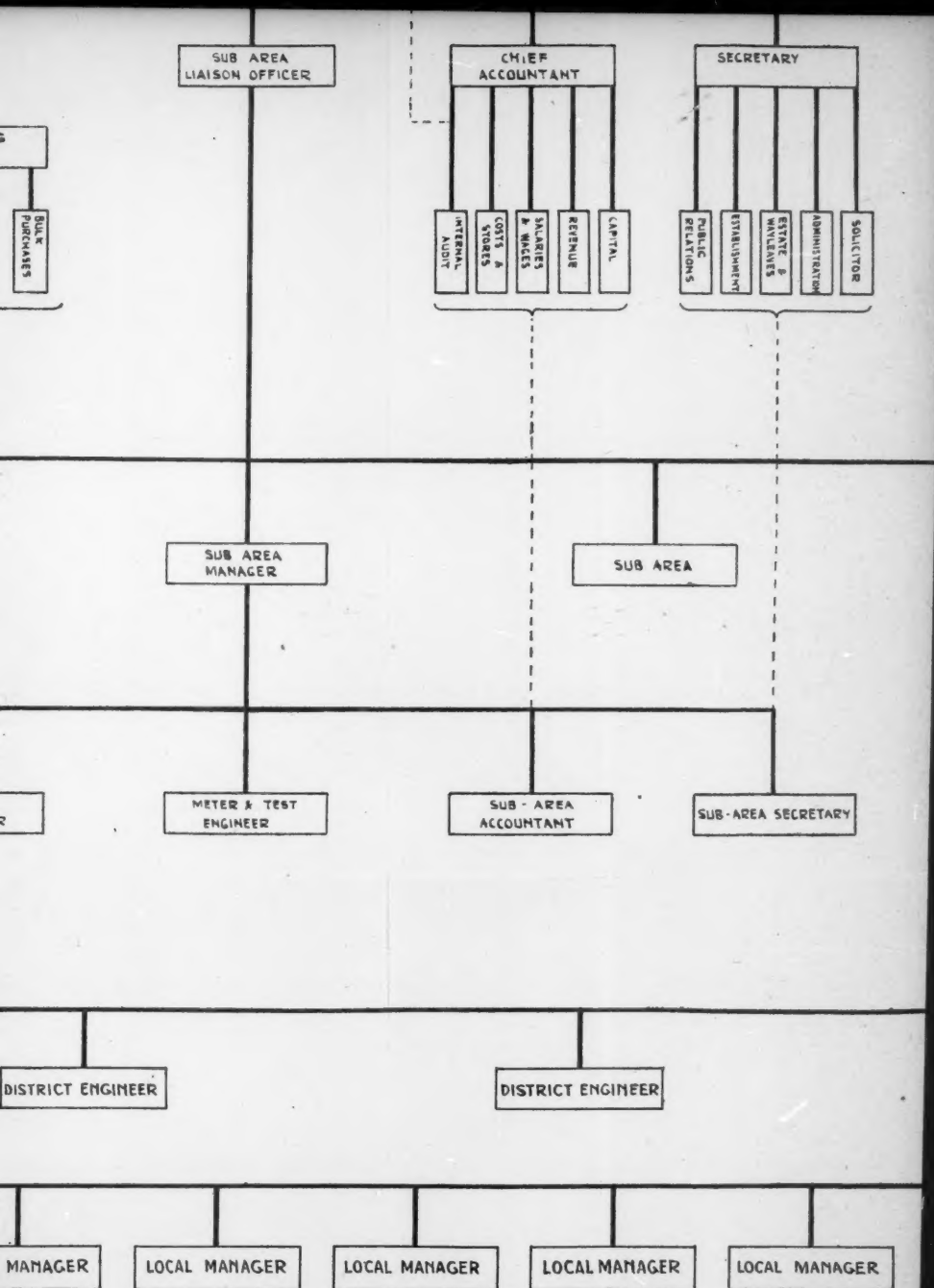
PERSONAL
ASSISTANT



X IIIA







CHIEF ENGINEER

SUB AREA
LIAISON OFFICER

PURCHASING
OFFICER

TRANSPORT

OPERATION &
MAINTENANCE

CONSTRUCTION

PLANNING &
DEVELOPMENT

ALLOCATION
to SUB-AREAS

STOREKEEPING

RISK
PURCHASES

INTERNAL
AUDIT

SUB AREA

SUB AREA
MANAGER

SUB AREA ENGINEER

SUB AREA
STOREKEEPER

METER & TEST
ENGINEER

DISTRICT ENGINEER

DISTRICT ENGINEER

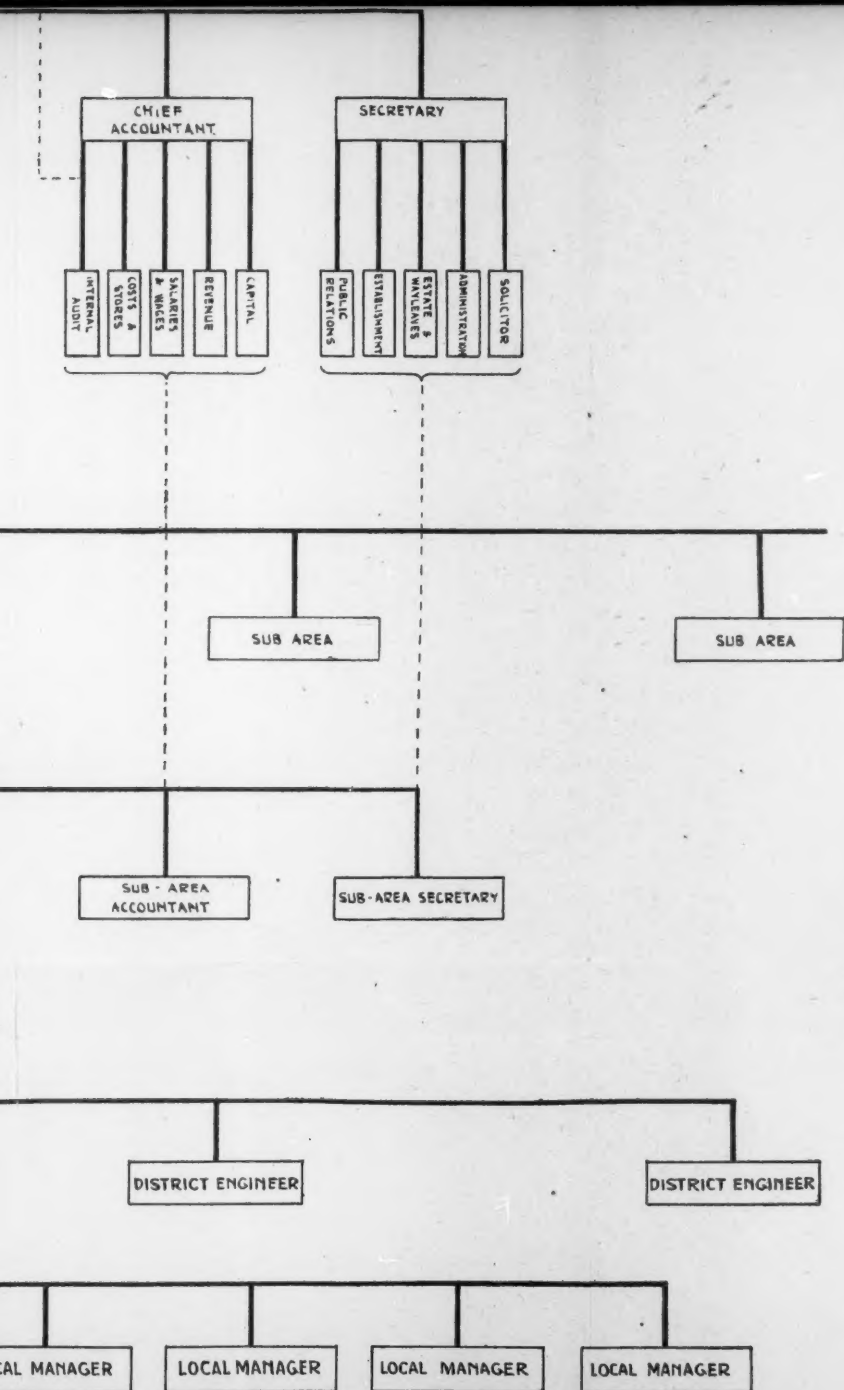
LOCAL MANAGER

LOCAL MANAGER

LOCAL MANAGER

LOCAL MANAGER

LOCAL MANAGER

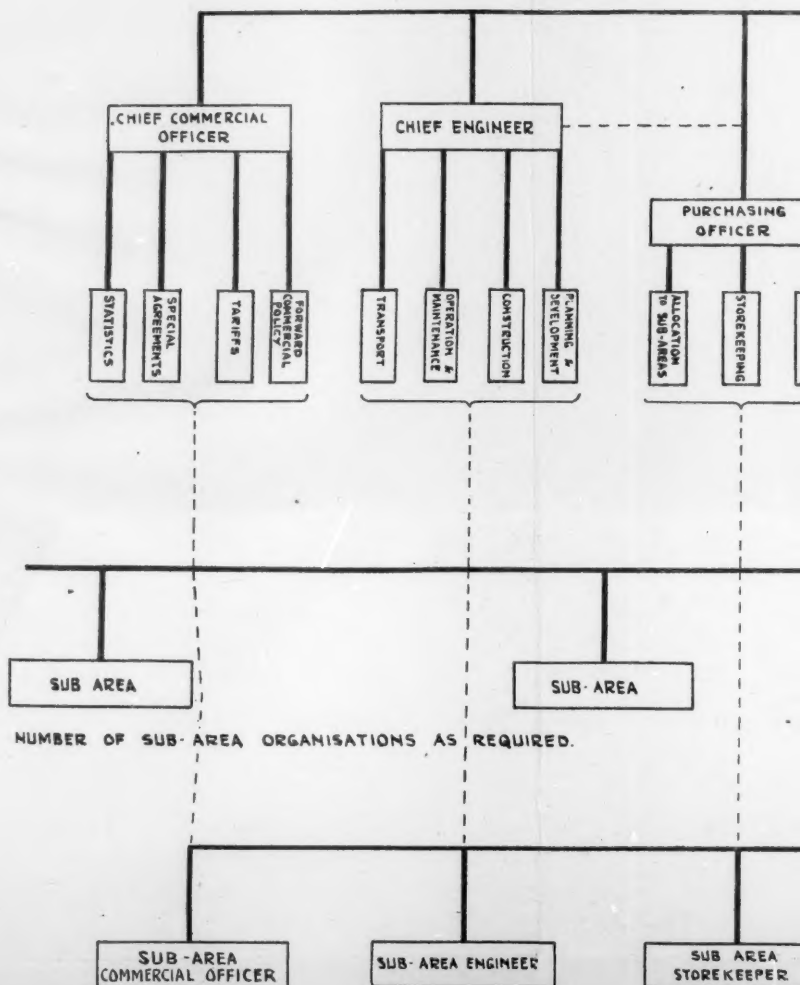


BRITISH ELECTRICITY AUTHORITY SUGGESTED TYPICAL ORGANISATION FOR AREA BOARDS.

CHART B

INCORPORATING THE SINGLE-HEADED DISTRICT ORGANISATION

MEMBER	MEMBER
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MEMBER	MEMBER	MEMBER	MEMBER	CHAIRMAN	DEPUTY CHAIRMAN	MEMBER	MEMBER	CHAIRMAN CONSULTATIVE COUNCIL
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PERSONAL ASSISTANT

PERSONAL ASSISTANT

SUB AREA LIAISON OFFICER

CHIEF ACCOUNTANT

SECRETARY

PURCHASING OFFICER

STOREKEEPING

BULK PURCHASERS

INTERNAL AUDIT

COSTS & STORES

SALARIES & WAGES

REVENUE

CAPITAL

PUBLIC RELATIONS

ESTABLISHMENT

MAINTENANCE

SUB AREA MANAGER

SUB AREA

SUB AREA STOREKEEPER

METER & TEST ENGINEER

SUB AREA ACCOUNTANT

SUB-AREA



PERSONAL ASSISTANT

PERSONAL ASSISTANT

SUB AREA
LIAISON OFFICER

PURCHASING
OFFICER

CHIEF
ACCOUNTANT

PLANNING &
DEVELOPMENT

ALLOCATION
TO SUB-AREAS

STOREKEEPING

BULK
PURCHASES

INTERNAL
AUDIT

COSTS &
STORES

SALARIES
& WAGES

REVENUE

SUB-AREA

SUB-AREA
MANAGER

ED.

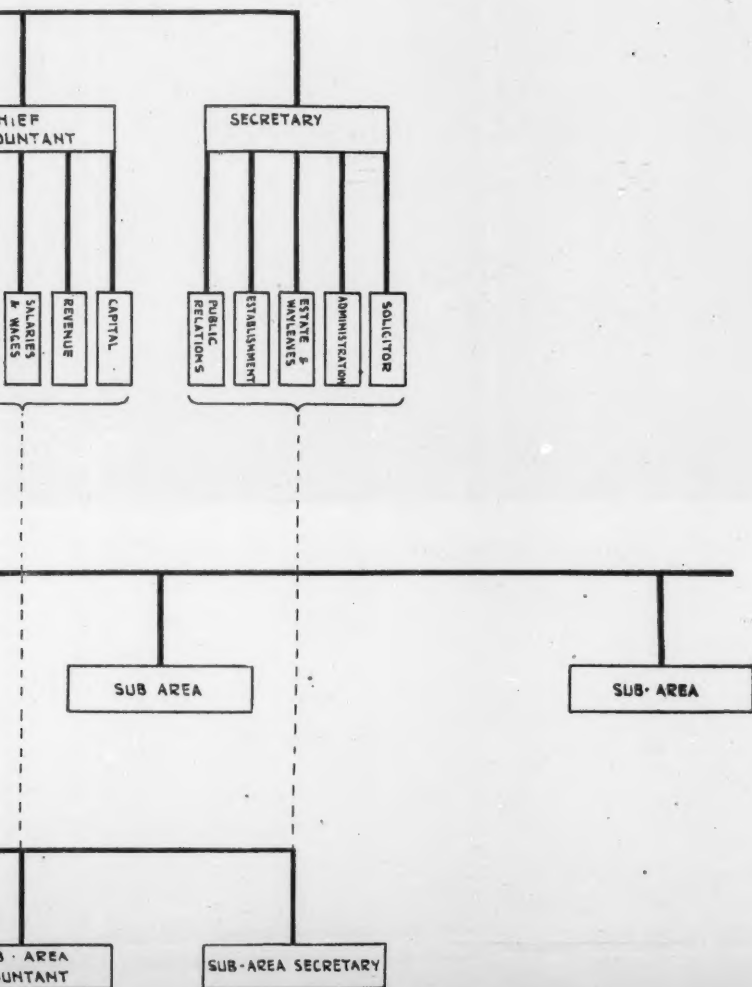
SUB AREA
STOREKEEPER

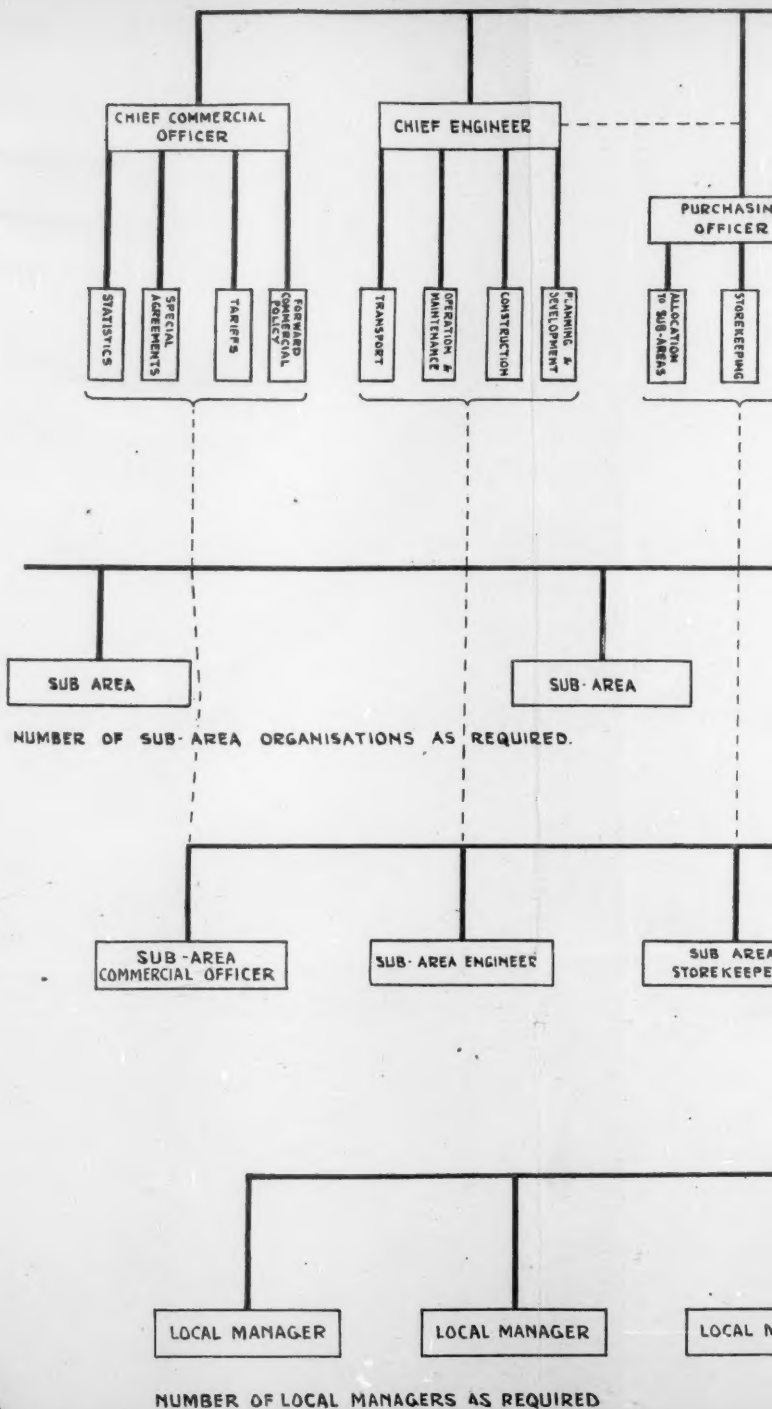
METER & TEST
ENGINEER

SUB-AREA
ACCOUNTANT

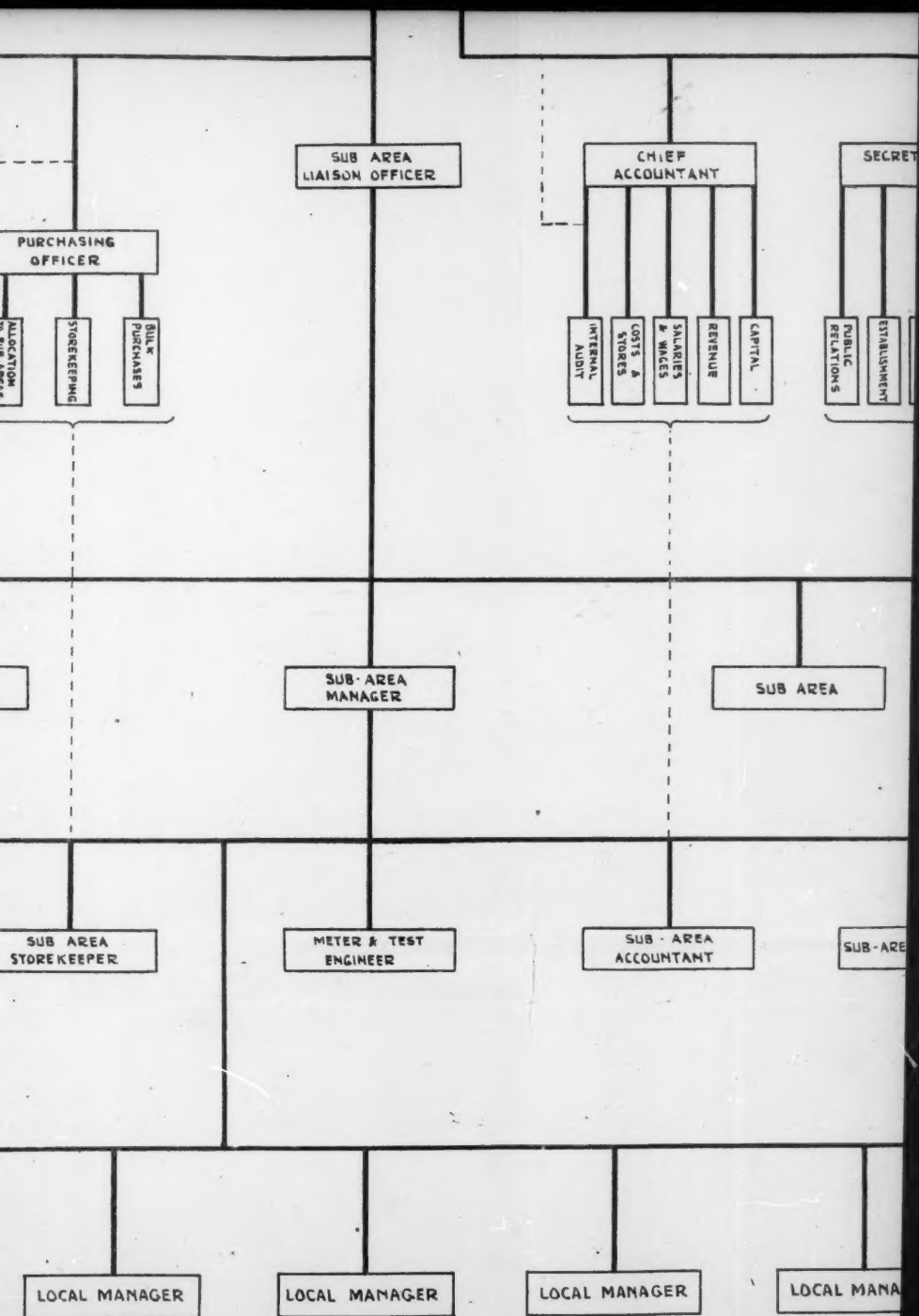
APPENDIX III B

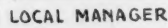
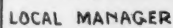
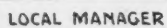
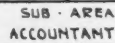
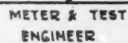
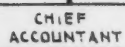
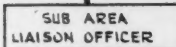
CHAIRMAN CONSULTATIVE COUNCIL





NUMBER OF LOCAL MANAGERS AS REQUIRED





RED

